SYSTEM OF STILES,

As now Practicable within the KINGDOM of Scotland:

And Reduced to a clear Method, not heretofore.

Conſiſting of VI. PARTS.

I. Real and Perſonal Diligence.
II. What paſſeth the PRIVY-SEAL only.
III. Summonds paſſing the SIGNET.
IV. What Letters paſs the SIGNET, and ſuch Precepts in Latine as upon Signatures paſs alſo the SIGNET and whole SEALS, except the QUARTER-SEAL; and what paſſes the GREAT-SEAL *per ſaltum*.
V. All Securities, Contracts of Marriage, Tailzies, Mortifications, Life-rent-Rights, Proviſions of Younger-Children, Excambions, and the like.
VI. Services, Tutories, Summonds of Error, and others.

Compoſed by *GEORGE DALLAS* of *Saint-Martins*,
Begun in the Year 1666, and had its Period *Anno* 1688.

EDINBURGH,
Printed by the Heirs and Succeſſors of *Andrew Anderſon*, Printer to the Kings moſt Excellent MAJESTY, *Anno DOM.* 1697.

To the Noble and Potent Earl,

JOHN

Earl of Tullibarden, *Viſcount of* Glenalmond, *Lord* Murray, *&c.* and *Lord Secretary of* State *for the Kingdom of* SCOTLAND; George Dallas *of* St. Martins, *Author of the whole Work, (whereof this is the* First Part,*) wiſheth all Happineſs.*

My LORD,



OME nine Years ago, (and before I reſolved to expoſe my Works to the Preſs) I dedicat this Firſt Part to your Lordſhip (then under the Title of Lord *Murray*, eldeſt lawful Son to the Marquis of *Athole*) in Writ; Being then entered upon the Management of that Antient and Noble Eſtate, whereof your Lordſhip is the Lineal Succeſſor; And now being perſwaded by ſome Perſons of the greateſt Quality in the Kingdom, and others in Publick Stations (as Lords of Seſſion, eminent Lawers, and others,) to commit my Works to the Preſs: I continue my Dedication of this Firſt Part to your Lordſhip, through the Sentiment I have of your Lordſhips virtuos Favours I received from that Noble Family of *ATHOLE*, which your Lordſhip now repreſents, and the Relation I have thereto, (and ſo much more my Honour.) This Part of the Work, albeit ſhort, yet caſting your Eyes upon it, your Lordſhip will find, that by Referrs from one Place to another, it is of Large Extent. The Gift is not great, but being given with a frank Heart, and cheerful Mind (and ſo twice given,) I expect the Reception will be the greater, and that your Lordſhip will give it Lodging, and your Patrociny; Which if it meet with all propoſed, (being your Lordſhips Good,) is enjoyed by

(*My Lord,*)

Your Lordſhips Devoted Servant,

GEO. DALLAS.

To the Reader.

THE *Work before you, Consists of* STILES, *divided in Six Parts; And not the Product of a few Days, but Several Years. I do acknowledge,* Stiles *(in former Times) have Generally been Good and Formal; But not being Digested in Method, Required a long Time, and Great Experience and Imployment, before Youth attained to Perfection in the Art of Writing to the Signet, and Diving in the exact Knowledge of Securities, either in a Legal, or Conventional Strain and Channel. I cannot, (and without the least vanity) but Say, my Education in these was Good: And from* Mr. John Bayn *of* Pitcarly, *(a great Pen-man in his Age, and so known,) Nor did I Miss improve it since the Year* 1652, *I Entered Prentice, nor I wanting in casting my Eyes (at times) upon the Charter-Chists, and Evidents of Persons of all Qualities as Occasion offered: And from all had my Observes; And at First,* Anno 1666, *(after I was Recoverd of Sickness,) Resolved only to Prosecute this VVork in Manuscripts, for the Use of my Children (then Young;) Should I, (by the Course of Providence) be called from Time before their further Years and Education, (if not in my own, yet in some other Art.) But having by the Mercy of* GOD, *Outlived that Fear, I was Desired by Persons, (not of the Meanest, but even the Greatest Quality in the Nation,) Lords of the Seat, Lawyers, and some of my own Brethren (by Station,) to Expose my VVorks to the Press for the Good of the present and future Ages, which now, (at their Desire, and for the End aforesaid, and as a small Memoir of my self,) I have done. And as in the VVhole, or any Part thereof, I Assume no Infallibility to my self, through my being Convinced of the Truth of that Principle,* (Non Omnia possumus Omnes;) *So I expect ye will make Use of the Best, and Pardon any thing that may have Escaped me in so Large a VVork; And I assure you, there was none in my Intentions; and as to take the VVill for the Deed, is an Old* Adagium: *So it Lodges much of Humanity (yea Religion it self) in its Bosom; And what Errata have escaped the Press, as some Letters by the Types, or Contractions in the Latine, (which are few and of no Value,) Reason, and Current of the* Stile, *with the Antecedent, and Prepositions, will Lead you to it; and besides, they are Marked in the Close of the* Index: *And my Advice is, that ye Correct that Amiss before ye enter upon the VVork, and may be done in an Hour, or Two: And when I have done all I resolved in the VVork, let no man so far Deceive himself, as to Conclude, that Speculative Knowledge, or Theory, (without the Practical,) will ever make a Compleat Pen-man, but by the Method taken, a man may by Education Attain to more knowledge in Two, than formerly in Seven Years.*

Vale.

REAL

REAL and PERSONAL DILIGENCE.

PART I.

Moveable Bond.

I *A. B.* be thir presents, grant me to have Borrowed and Received from *G. D.* All and haill the Sum of ——— usual *Scots* Money, whereof I hold me well Content, satisfied, and Payed, and for Me my Heirs and Executors, exhoner and discharge the said *G. D.* his Heirs, Executors, and all others whom it effeirs of the samen, (renouncing the Exception of not numerat Money, and all other Exceptions and Objections of the Law whatsoever, that may be proponed or alledged in the contrary) by thir Presents for now and ever. Whilk Sum of ——— Money foresaid as Principal, with the Annualrent thereof to the Term of Payment under-written, I as Principal, and *C. D.* as Cautioner sovertie and full Debitor for and with me, by thir Presents Bind and Oblige us conjunctly and severally, our Heirs, Executors and Successors, and Intrometters, *&c.* whatsoever, thankfully to Refound, Content, Pay and Deliver again to the said *G. D.* his Heirs, Executors or Assigneys, betwixt the Date hereof and the Feast and Term of ——— next to come, but longer Delay, Fraud or Guile, with the Sum of ——— Money foresaid, of liquidat Expenses in case of failzie, or Registration of thir Presents in our Default, together with the ordinar Annualrent and Profit of the said principal Sum, conform to the Act of Parliament, and that Yearly, Termly, and Continually during the not payment thereof, after the said Term, but prejudice always to the said *G. D.* and his foresaids, to use all manner of Execution hereupon for payment of the saids Sums at the said Term appointed for that effect, or at any other Term or Time thereafter they please, notwithstanding of the foresaid Clause made anent payment of Annualrents. And I the said *A. B.* be thir Presents, bind and oblige me and my foresaids, to Warrand, Free, Relieve, Harmless and Skaithless keep my said Cautioner and his foresaids, of his said Cautionrie, and of all Cost, Skaith, Damnage, Interest, Charges and Expenses they shall happen to sustain or incur thereby, directly or indirectly, by whatsoever manner of way in time coming: And for the more security, We are content and Consent thir presents be insert and Registrat in the Books of Council and Session, or others competent, to have the strength of an Decreet of the Lords or Judges thereof interponed thereto, that Letters of Horning on six days and others necessar in form as effeirs, may be direct hereupon; and to that effect constitutes ——— our Procurators, *&c.* In witness whereof (written by me *J. H.* Servitor to ———) with our hand at ——— in the ——— day of ——— years, before thir Witnesses

Nota, *If there be two or moe Cautioners, and that there be a mutual*

Relief

Relief, then the same must be immediatly before the Clause of Registration, and the Clause of mutual Relief conceived as follows;

And We the saids *C. D.* and *E. F.* Cautioners above-named, by thir Presents, bind and oblige Us, and our foresaids, to Warrand and Relieve each of us others of our Cautionrie above-written, and of all Cost, Skaith, Damnage, Interest and Expenses, that shall be sustained or incurred therethrough proportionally and *pro Rata*.

If this Bond be Assigned, the Assignation follows.

Assignation.

BE it kend to all Men by thir present Letters, Me *G. D.* Forasmikle as, *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the---day of---years (for the Causes therein specified) band and obliged them, conjunctly and severally, and their Heirs and others therein mentioned, to have contented and payed to me, my Heirs, Executors, or Assigneys, the Sum of-----as Principal, with Annualrent from the date of the said Bond to the Term of payment under-written, and that betwixt and the Term of---then next to come, but longer delay, with the Sum of----- Money foresaid of liquidat Expenses in case of failzie, together with the ordinar Annualrent of the said principal Sum Yearly, Termly, and Continually during the not payment thereof, after the said Term, as the said Obligation of the date foresaid, Insert and Registrat in the Books of Council and Session, and a Decreet of the Lords thereof interponed thereto, upon the---- day of ------ years, in it self more fully proports. And now seing *W. G.* has made payment to me of certain Sums of Money, for granting of thir presents, whereof I grant the Receipt, holds me well Content, satisfied and Payed, and for Me, my Heirs and Executors, Exoners and Discharges the said *W. G.* his Heirs, Executors, and all others whom it effeirs of the same (Renouncing the Exception of not numerat Money, and all other Exceptions and Objections of the Law whatsoever, that may be proponed or alledged in the contrair, by thir presents for now and ever. Therefore wit ye me to have made, Constitute and Ordained, and by thir presents make, Constitute and Ordain, the said *W. G.* his Heirs and Assigneys, my very lawful, undoubted and ir-revockable Cessioners, and Assignes in and to the said Sum of----- as Principal----- of Expenses, and Annualls of the said Principal Sum, of all years and terms bygone, Resting, Owing, Unpayed, and yearely and termly in time coming during the not payment thereof, (the Terms of payment of the same being first come and bygone) and in, and to the foresaid Bond, Decreet interponed thereto, and Letters of Horning, Poynding, Caption, Inhibitions, Arrestment, and others following thereupon, Executions, Indorsations, and Registrations thereof, and all Action, Pursuit, Instance, and Execution whatsoever competent, or that may be competent to me therenpon, with all that has followed or may follow on the said; And I have surrogat, and by thir presents surrogat and substitute the said *W. G.* and his foresaids, in my full Right, Vice and Place of the Premisses by thir presents for now and ever; With full power to the said *W. G.* and his foresaids, to intromet with, Uplift, Ask, Crave and Receive the foresaids Sums of Money *respective* above-assigned, and to use and dispone thereupon at their pleasure; And if need beis, to call and pursue therefore Letters thereupon to raise, and the same or Letters already raised, to due and lawful Execution cause be put, and that either in their own Name or mine, as they shall think expedient, Compone, Transact and agree thereanent, and upon

Receipt

Receipt and Payment of the ſaids Sums, in whole or in part, Acquittances and Diſcharges, to make grant, Subſcribe and Deliver, whilks are hereby declared to be moſt valid and ſufficient to the Receivers, and generally all and ſundry other things anent the Premiſſes, to do, uſe and exerce: Sicklike in the ſame manner, and als freely in all reſpects as I might do therein my ſelf, before the making and granting of this preſent Right and Aſſignation; Which I bind and oblige me, my Heirs, Executors and Succeſſors, to Warrand, Acquit and Defend, to be Good, Valid and Sufficient to the ſaid *W. G.* and his foreſaids, from my own proper Fact and Deed, done or to be done in prejudice hereof. That is to ſay, that I have not made, nor ſhall not make any other Aſſignation, Diſcharge, or Right of the Premiſſes above-aſſigned, to no other Perſon or Perſons in prejudice hereof, at no time bygone or to come, (*A.*) Likeas I have inſtantly delivered to the ſaid *W. G.* the foreſaid regiſtrat Bond, with all Letters raiſed thereon, to be keeped and uſed by him and his foreſaids, as their own proper Writs and Evidents at their pleaſure in time-coming. And for the more ſecurity--------

Nota, *If there be a part of the Bond payed and diſcharged, then what is reſting ſhould only be particularly aſſigned, or the Warrandice reſtricted; but the firſt is more ſecure: Yet if the Sums payed be not definitly known, let it be excepted as ſaid is, and the Words conceived at the Letter (A.) as follows.*

Excepting always furth and from the foreſaid Warrandice a Diſcharge granted by me to the ſaid *A. B.* principal Party for the Sum of-----of the Sums contained in the ſaid Bond, dated the ------- day of ------ years, whereunto the foreſaid Warrandice ſhall no ways be extended.

If the Bond and Aſſignation be transferred, the Tranſlation follows,

---

Tranſlation.

BE it kend to all Men by thir preſent Letters, me *W. G.* Aſſigney after-ſpecified; Forasmeikle as *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the ---day of ----- years (for the Cauſes therein ſpecified) Band and obliged them, conjunctly and ſeverally, their Heirs and others therein mentioned, to have contented and payed to *G. D.* of ---- his Heirs, Executors, or Aſſigneys, the Sum of ---- as Principal, with Annualrent from the date of the ſaid Bond, to the Term of Payment under-written, and that betwixt and the Term of ---- then next to come: But longer delay, with the Sum of ---- of Expenſes in caſe of failzie, and Annualrent thereafter during the not payment, in manner ſpecified in the ſaid Bond, which is regiſtat in the Books of Council and Seſſion, upon the ---- day of ----- years; and whereunto hail Tenor and Contents thereof, Sums of Money principal, Annualrents bygone, Reſting, Owing, and in time-coming during the not payment, and Expenſes *reſpective* above-ſpecified therein contained with, all Letters of Horning, Inhibition, Caption, and others raiſed thereupon, with the Executions thereof, with all that has followed or may follow on the ſame. The ſaid *G. D.* by his Aſſignation of the date the ---- day of----- years, made and conſtitute me my Heirs and Aſſigneys, his undoubted Ceſſioners and Aſſigneys *C.* as the ſaid Bond and Aſſignation of the Dates *reſpective* foreſaids, in themſelves more fully proport: And now ſeing *P. G.* has made payment to me of certain Sums of Money, at, and for the making and granting of thir preſents, whereof I hold me well Content, Satisfied and Payed, and for me, my Heirs and Ex-

ecutors, exoners and discharges the said *P. G.* his Heirs, Executors, and all others whom it effeirs of the same, (Renouncing the Exception of not numerat Money, and all other Exceptions and Objections of the Law whatsoever that may be proponed or alledged in the contrary) by thir presents for now and ever. Therefore wit ye me as Assigney, and having Right in manner foresaid, to have assigned and transferred, and by thir presents Assigns and Transfers to, and in favours of the said *P. G.* his Heirs and Assigneys, the foresaid Sum of ---- as Principal ---- of Expenses, and Annualls of the said principal Sum of all Years and Terms bygone resting owing unpayed; And sicklike yearly and termly in time-coming during the not payment thereof (the Terms of payment of the same being first come and bygone) together with the foresaid Bond, Decreet interponed thereto, Letters of Horning, Inhibition, Caption and others raised thereupon, Executions and Registrations thereof, Assignation made to me of the same, and all Action, Pursuit, Instance and Execution whatsoever competent, or that may be competent to me in the Premisses, with all that has followed or may follow on the same, and I have surrogat, and by thir presents surrogat and substitute the said *P. G.* and his foresaids, in my full Vice, Right and Place of the Premisses for now and ever: With full power to them to intromet with, Uplift, Ask, Crave and Receive the foresaids Sums of Money above-assigned and transferred, and to use and dispone thereupon at their pleasure; and if need beis, to call and pursue therefore Letters thereupon to raise, and the same or Letters already raised in their own or my Name, to due and lawful Execution, cause be put, Compone, Transact and Agree thereanent, and upon Receipt and Payment in Whole or in Part Acquittances and Discharges to make grant, subscribe and deliver: Whilks are hereby declared to be most valid and sufficient to the Receivers, and generally all and sundry other things anent the Premisses, to do, use and exerce; Sicklike, and in the same manner, and as freely in all respects as I might do therein my self, before the granting of this present Right and Translation, which I bind and oblige me, my Heirs, Executors and Successors, to Warrand, Acquit and Defend, to be Good, Valid and Sufficient to the said *P. G.* and his foresaids, from my own proper Fact and Deed allenarly done or to be done in prejudice hereof. That is to say, that I have not made, nor shall not make any other Assignation, Translation, Discharge, or other Right of the Premisses to no other person or persons in prejudice hereof, at no time bygone or to come: Likeas, I have instantly delivered to the said *P. G.* the Extract of the foresaid Bond, and all Letters raised thereon, and Assignation made to me thereof, to be kept and used by him and his foresaids as their own proper Writs and Evidents, at their pleasure in time-coming: And for the more security-----

If the Sum be payed, the Discharge follows.

Discharge.

BE it kend to all Men by thir present Letters, me *P. G.* to whom, and in whose favours the Bond after-specified and Sums of Money therein contained, are Assigned and Transferred in manner after-mentioned; Forasmeikle as *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the --- day of ---- years (here deduce the Narrative of the Translation aforesaid till ye come to the Letter *C.* and then say) Likeas, the said *W. G.* by his Right and Translation of the date the --- day of --- years (for the Causes therein mentioned) assigned and transferred the haill Premisses, with all that has followed thereupon, in favours of me and my Heirs and Assignes, as the said Bond, Assignation and Translation,

of

of the dates *respective*, foresaids in themselves more fully is expreſt, D. And now seing the said *A. B.* principal party foresaid has instantly made payment to me, as having Right in manner foresaid of the said Principal Sum Annualrent resting, preceeding the date hereof, and Expenses necessarly deburſed in the said matter; whereof I hold me well content, satisfied and payed, and renunces the exception of not numerat money, and all other exceptions and Objections of the Law whatsomever, that may be proponed or aledged in the contrair, by thir presents for now and ever: Therefore wit ye me, as having Right in manner foresaid to have exonered, quite claimed, and simpliciter Discharged; Likeas I by thir presents exoner, quite, claim, and simpliciter Discharge the said *A. B.* and his said Cautioner, and their Heirs, Executors, Successors and Intrometers whatsomever, of the foresaid Bond Decreet interponed thereto, sums of Money principal, Annualrents and Expenses respective above specified therein contained, and of all Letters of Horning, Caption, Inhibition, Arestment, and others raised thereupon, with the Executions, Indorsations and Registrations thereof, and of all Action, pursuit, Instance and Execution whatsomever competent, or that may be competent to me thereupon, with all that has followed, or may follow on the same, by thir presents for now and ever; and I bind and oblige me, my Heirs, Executors and Successors, to warrand acquit and defend this present Discharge to be good, valid, and sufficient to the said principal and cautioner, and their forsaids for their Exoneration of the Premisses at all hands, and against all deadly as Law will: and consents that the said Principal and Cautioner be relaxed from the Horn, whereunto they are denunced for the cause foresaid, by way of Suspension or otherwise as accords, and that but Caution or Consignation, and for the more securitie ——

Nota, *If the Cautioner be distressed, and forced to pay the Money; then he must be Discharged of his Cautionrie, and Assigned against the principal Party In manner following.*

Discharge and Assignation

BE it Known to all Men by thir present Letters, Me *P. G.* to whom, and in whose favours the Bond after-specified and Sums of Money therein contained, are Assigned and Transferred in manner after-mentioned; Forasmeikle as, (here take in the narrative of the former Discharge, till ye come to the Letter *D.* deducing the Assignation in the third person, and then say) and now seing the said *C. D.* as distressed Cautioner, has instantly made payment to me, as having Right in manner foresaid of the said principal sum, Annualrents resting, preceeding the date hereof, and Expenses necessarly expended in the said matter, whereof I hold me well content satisfied and payed, and renunces all exceptions in the contrair for now and ever; therefore wit ye me as having Right in manner foresaid, not only to have exonered, quite claimed, and simpliciter Discharged; likeas, I by thir presents exoner, quite, claim, and simpliciter Discarge the said *C. D.* Cautioner, foresaid, his Heirs, Executors, Successors, and Intrometers whatsomever, of his said Cautionry, and of all Action competent against him, or them therefore, and of the said Bond, Decreet interponed thereto, and Letters of Horning, Caption, and others raised against him thereanent, with all that has followed, or may follow on the same, by thir presents for now and ever; and I bind and oblige me my Heirs, and Executors to warrand the foresaid Discharge at all hands, and against all deadly as Law will: and also consents the said *C. D.* Cautioner foresaid be relaxed from the Horn, whereunto he is denunced, for the cause foresaid, by way of Suspension, or otherwise as accords, but Caution, or Consignation, but also for the said *C. D.* his better relief, and more sure repayment of the saids Sums of the said principal Party, and his fore-

saids by thir presents, (but any hurt, prejudice or derogation to the Clause of Relief contained in the said Bond, or any other Relief apart, or otherwise competent to him of the Law, or Innovation thereof, or any of them in any sort, *sed accumulando jura juribus*,) Assign, Transfer and dispon in favours of the said *C. D.* his Heirs and Assigneys, the foresaid Bond, Decreet interponed thereto, hail tenor and contents thereof, Sums of Money principal, Annual-rents bygone, Resting, Owing, and in time coming during the not payment and Expenses respective above-specified therein contained, Letters of Horning, Poynding, Caption, Inhibiton, Arrestments, and others raised thereupon, Executions, and Registrations thereof, Assignation and Translation aforesaid and all Action, Pursuit, Instance, and Execution whatsomever competent, or that may be competent to me in the Premisses; and hereby surrogats and substitutes them in my full Right, Vice, and place thereof, with all that has followed, or may follow on the same by thir presents for now and ever: and that in so far alenarly as concerns, and may be extended to, and as the same may militat against the said *A. B.* principal Party, and his Representatives, and as Execution may be had and used against them therefore, and no furder: with full power to the said *C. D.* and his foresaids to Intromet with, Uplift, Ask, Crave and Receive, the foresaid Sums of Money, Above-assigned and Transferred from the said principal Party, and his foresaids, and to use and Dispon thereupon at their pleasure, and to Charge and Pursue therefore Letters for that effect to raise and the samen or Letters alreadie raised in my Name, to due and lawfull Execution, cause be put, Compone, Transact and agree thereanent, and upon payment to grant Discharges, which shall be sufficient to the Receivers; and generally all and sundrie other things anent the Premisses, to do, use, and exerce, sicklike in the same manner and as freely in all respects as I might do therein my self, before the granting of this present Translation, Right and Disposition, which (in so far as concerns, and may militat against the said principal Party, and his Representatives, as said is,) I bind and oblige Me and my foresaids, to warrand from my own proper Fact and Deed allennarly, done, or to be done in prejudice hereof, that is to say; that I have not made nor shall not make any other Translation, Discharge, or other Right of the Premisses above-Transferred, and Disponed, as said is, to no other person, or persons in prejudice hereof, at no time bygone or to come, Likeas I have instantly delivered to the said *C. D.* the foresaid Registrat Bond, Assignation and Translation, with what legal Diligence followed thereon, to be kept and used by him, and his Foresaids, as their own proper Writs and Evidents at their pleasure in time coming, and for the more securitie: ——

It is fit that all Assignations, Translations, Discharges, and the like Writs bear the delivery of the Papers assigned, transferred or discharged, for in case the Substitute or person discharged recur upon his Warrandice, he must make the Papers forth-coming in this case, whereas he may alledge otherways he never received them.

Besides the Observation aforesaid, ye are to consider, that all Writs obligatory, and Assignations, Translations, Dispositions, Contracts, Charter-Parties, Indentures, Renunciations, Procuratories of Resignation a part, Discharges, Bonds of Relief, and the like, should bear a Clause of Registration; And because that some of them most bear, that Execution may pass, & others for Conservation, and others for Conservation; and if need be is that Execution pass, I have (to prevent any errour or mistake in the Vulgar) set down the Clauses of Registration fit to be inert in all of them (except that of a Bond already done, and which may be a Rule to all Papers obligatory, not by way of Contract,) and

first I set down the Clause of Registration of a Discharge, or Procuratory of Resignation a part, Assignation and Translation being all one upon the matter.

Clause of Registration in a Discharge, Assignation, Translation, or Procuratory of Resignation a part.

And for the more security, I am content, and consent thir presents be insert and registrat in the Books of Council and Session, or others competent therein to remain for Conservation, and it need beis allennarly, that Letters in form as effeirs may pass hereupon; And to that effect constitutes my Procurators, *&c.* in witness whereof, I have subscribed thir presents, (written by here insert the Writters Name, Sirname and Designation,) with my hand at ------ the------day of----- ----- years, before thir Witnesses ------ (here insert the particular Witnesses Names, Sirnames and Designations, so as in after-times they may be known live where they will.

Clause of Registration in a Contract of Marriage, or other Contract (or Writ made by way of Contract,) as Charter-parties, Indentures, &c.

And for the more security, both the saids Parties are content, and consent thir presents be insert and registrat in the Books of Council and Session, or others competent, to have the strength of a Decreet of the Lords, or Judges thereof interponed thereto, that Letters of Horning on six days, and others necessar in form as effeirs may pass hereupon; And to that effect constitutes their Procurators, *&c.* in witness whereof, the saids Parties and Persons Consenters have subscribed thir presents (written by—— here insert the Writters Name, Sirname, and Designation) with their Hands, Day, Month, year of God, and Place *respective* foresaids, before thir Wittnesses, (here insert the witnesses Names, Sirnames, and Designations distinctly, as above enjoyned.

Nota, *Discharges granted by Creditors of a Debt properly due to themselves, Discharges of House-Mails, Rents of Lands and the like, and Procuratories of Resignation a part, needs bear no other Registration than for Conservation, and should the other words (and if need beis allennarly, that Letters in form as effeirs may pass) be added, is no Error, but when an Assigney discharges, Letters should pass, because the Cedent might have done a Deed, Clause of Registration in a Reversiona part, Renounciation of an Annualrent out of Lands, Renounciation of a Reversion of a Wadset, Assignation or Dispostion to a Reversion, procuratrie of Resignation ad remanentiam and the like, (all which in Law should be Registrat in the Books and Registers appointed for Registration of Seasins, &c. within 60 days, conform to the Act of Parliament) must bear and contain the Clause of Registration following, being of another Nature, and for another Design than the former Clauses of Registration, as ye may perceive,*

And for the more security, I am content, and consent thir presents be insert and Registrat in the Books of Council and Session (appointed for the Registration of Seasins, Reversions and the like) or others competent, therein to remain for Conservation; and if need beis, that Letters in form as effeirs may pass hereupon, and constitutes——my Procurators *&c.* in witness whereof, I have subscribed thir presents (written by——) with my hand at the——day of —— —— years, before thir witnesses——

Clause of Registration in a Submission, which differs from all the former.

And for the more ſecurity, both the ſaids Parties Submitters are content, and conſent thir preſents, with the Decreet Arbitral to follow hereupon, be inſert and Regiſtrat in the Books of Council and Seſſion, or others competent, to have the ſtrength of a Decreet of the Lords, or Judges thereof interponed thereto, that Letters of Horning on ſix days and others neceſſar in form as effeirs may paſs hereupon, and to that effect conſtitutes their Procurators, *&c.* In witneſs whereof, the ſaids Parties Submitters, in Teſtimony of their Submiſſion, and the ſaids Judges, Arbitrators, and Overſman, in Teſtimony of their Acceptation, have ſubſcribed thir preſents, (written by------- Writer to His Majeſties Signet,) and likeways the ſaids Parties Submitters have ſubſcribed the Blank on the other ſide hereof with their hands, at ----- the ------ day of ----- ---- years, before thir witneſſes.

Nota, *In all Writs, if there be diverſe Dates (becauſe all the Parties are not preſent to ſubſcribe at one and the ſame time then) the Dates, Places, and Witneſſes muſt be diſtinguiſhed thus,* viz. *at* Edinburgh *and* Perth *the* 24 *and* ——*days of* March, *and* ——— —— *years, before thir Witneſſes* reſpective, viz. *to the ſubſcription of the ſaid* A. B. *at* Edinburgh *the ſaid* 24 *day of* March, I. M. *and* W. H. *Merchants Burgeſſes of* Edinburgh, *and the ſaid* —— *Writter hereof, and to the Subſcription of the ſaid* M. P. *at* Perth *the ſaid* —— *day of* —— P. H. *and* G. M. *Merchants Burgeſſes of* Perth, *and* G. W. *Writer there, Inſerter of the Laſt, Date, Place, and Witneſſes.*

There is another thing that may fall out, and that is, at times, there will be a marginal Note by miſtake, or after agreement of Parties, or to clear ſomething dubious; In which caſe, that marginal Note muſt not only be ſubſcribed by the Party, but alſo when the Witneſſes are inſert, he that inſerts them whether the writter of the Paper, or other perſon, muſt ad theſe words, viz. *witneſs alſo to the marginal Note.*

The nixt thing to be conſidered, is, what if the Debitors will not pay without legal Compulſitors, in which caſe the Creditor may uſe perſonal or real Execution, or both in his option, and becauſe perſonal Execution is for the moſt part firſt uſed, I ſhall diſcuſs it firſt, and ſo concluding both Debitor and Creditor to be on Life, (for if otherwiſe, the caſe would alter as afterwards appears) the Bond would be Regiſtrat, and if not Aſſigned, Horning may be raiſed thereon, as follows,

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Horning and Poynding

Charles by the Grace of God, King of great *Britain, France,* and *Ireland,* Defender of the Faith, To our Lovit------- Meſſengers, our Sheriffs in that part, conjunctly, and ſeverally, ſpecially, conſtitute, Greeting; Forasmikle as *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the---- day of ----- years, (for the Cauſes therein ſpecified) Band and Obliged them conjunctly and ſeverally, their Heirs, Executors, and Succeſſors, to have contented, and payed to *G. D.* his Heirs, Executors, or Aſſignays, the ſum of----- as Principal, with Annualrent thereof, from the date of the ſaid Bond, to the Term of Payment underwritten; and that betwixt the date foreſaid of the ſaid Bond, and the Feaſt and Term of —— then nixt to come, but longer delay, with the ſum of ----- money foreſaid of liquidat Expenſes, in caſe of failzie, together with the ordinar Annualrent of the ſaid principal Sum, conform to the Act of Parliament, and that yearly termly

termly, and continually, during the not payment thereof, after the ſaid Term; as the ſaid Obligation of the date foreſaid Inſert and Regiſtrat in the Books of Council and Seſſion, and an Decreet of the Lords thereof, interponed thereto, upon the day and date of thir preſents, ordaining Letters and Executorials, to be direct thereupon, in manner underwritten, at more length proports: Our will is herefore, and we charge you ſtrictly, and command, that incontinent thir our Letters ſeen, ye paſs; and in our Name and Authority command and charge the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner foreſaid, conjunctly, and ſeverally, perſonally, or at their dwelling places, to make payment to the ſaid *G. D.* of the foreſaid ſum of —— as Principal, ------ of Expences, and Annuals of the ſaid principal Sum of all years, and terms bygone, reſting, owing, unpayed; and ſicklike yearly, and termly in time coming, during the not payment thereof (the terms of payment of the ſame being firſt come, and bygone,) after the form and tenor of the ſaid Bond and Decreet foreſaid interponed thereto, in all points within —— dayes nixt after the Charge under the pain of Rebellion, and putting of them to our Horn, wherein if they failzie the ſaids ------ dayes being firſt come, and bygone; that incontinent thereafter ye denunce them our Rebells, and put them to our Horn, and Eſcheat, and imbring all their moveable Goods, and Gear to our uſe for their Contemption, And alſe, that ye uſe the hail remanent order againſt them preſcrived, by our Act of Parliament, made thereanent; And ſicklike, that ye in our Name and Authority foreſaid, Fence, Arreaſt, Apprize, Compell, Poynd, and Diſtrenzie, all and ſundry the ſaid principal, and Cautioner their readieſt, Goods, Geir, Corns, Cattel, Inſight, Plenisting, Horſe, Nolt, Sheep, Debts, ſums of Money, and others whatſomever pertaining and belonging to them wherever, or in whoſe hands the ſamen may or can be apprehended, & failzing of their moveable Goods & Geir poyndable, that ye apprize all & ſundry their Lands Heretages, conform to the Act of Parliament, to the avail & quantity of the foreſaid ſums, and make the ſaid *G. D.* compleatly payed thereof, after the form and tenor of the ſaid Obligation and Decreet interponed thereto, in all points, according to Juſtice, as ye will anſwer to us thereupon, the which to do, we commit to you conjunctly, and ſeverally, our full power by thir our Letters, delivering them by you duely execute, and indorſat again to the bearer. Given under our Signet, at *Edinburgh*, the——day of——and of our Reign the—— *year* 1666. *per Decretum Dominorum Conſilii,*

This Horning being Execute and Regiſtrat, Caption may be raiſed, which I omit here, becauſe of the following Caption, wherein there is no differ, but this may be raiſed at the Creditors own Inſtance, and the other at the Aſſigneys;

But if this Bond be aſſigned, then the Letters of Horning would be raiſed at the Aſſigneys inſtance as follows.

Horning and Poynding at the Aſſigneys inſtance.

Charles —— Forasmeikle as it is humbly meant and ſhown to us, by *W. G.* Aſſigney after-ſpecified; That where *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the —— day of —— —— years, (for the cauſes therein ſpecified) band and obliged them conjunctly and ſeverally, their Heirs, Executors and Succeſſors, to have countented and payed to *G. D.* his Heirs, Executors or Aſſigneys, the Sum of —— *Scots* Money as Principal, with Annualrents therefore, from the date of the ſaid Bond, to the Term of payment under-written, and that betwixt and the Term of——then next to come, but longer delay, with the Sum of ——Money foreſaid, of liquidat Expenſes in caſe of failzie, together with the ordinar Annualrent of the ſaid principal Sum, conform to the Act of Parliament,

and that yearly, termly, and continually, during the not payment thereof after the ſaid term, as the ſaid Obligation of the date foreſaid Inſert, and Regiſtrat in our Books of Council and Seſſion, & a Decreet of the Lords thereof interponed thereto, upon the —day of—— years, ordaining Letters and Executorials to be direct thereupon in manner under-written, ſhown to the ſaids Lords, has teſtified in and to the which Bond, hail Tenor and Contents thereof, Sums of Money principal, Annualrents and Expenſes *reſpective* above-ſpecified therein contained, and all Action competent thereupon; The ſaid *G. D.* by his Aſſignation of the date the — day of —— years, made and conſtitute the ſaid Complainer, his Heirs and Aſſigneys, his undoubted Ceſſioners and Aſſigneys, as the ſaid Aſſignation alſo ſhown to our ſaids Lords has teſtified (*P.*) And albeit it be of verity, that the ſaid Complainer has oft and divers times deſired and required the ſaid Principal and Cautioner to have made payment to him as Aſſigney foreſaid of the ſaid Sums, nevertheleſs they wrongouſly refuſed, and as yet refuſe, poſtpone and deſer to do the ſame without they be compelled, as is alledged. Our will is heretore, and we charge you ſtrictly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B.* as Principal, and *C. D.* as Cautioner, conjunctly and ſeverally, perſonally, or at their Dwelling-places, to make payment to the ſaid Complainer, as Aſſigney foreſaid of the ſaid Sum of —— Money foreſaid as Principal —— of Expenſes and Annualrents of the ſaid principal Sum, of all years and terms bygone, reſting, owing unpayed, and yearly and termly in time-coming, during the not payment thereof (the terms of payment of the ſamen being firſt come and bygone) after the form and tenor of the ſaid Obligation, Decreet interponed thereto, and Aſſignation made to the ſaid Complainer of the ſame in all points within—— days next after the Charge, under the pain of Rebellion, — the concluſion of the former Horning would be followed in this only, whereas ye ſay in the former, and make the ſaid *G. D.* compleatly payed: In this ſay —— and make the ſaid Complainer compleatly payed —— and next when ye come to the Words after the Form and Tenor in the Poynding, ſay it thus —— after the form and tenor of the ſaid Obligation, Decreet interponed thereto, and Aſſignation above-ſpecified made to him of the ſame in all Points according to juſtice, becauſe the Lords has ſeen the regiſtrat Bond and Aſſignation above-written, as ye will anſwer. ——

Ex deliberatione Dominorum Concilii.

Nota, *All Hornings, on Regiſtrat Bonds, Decreets, and Acts of the Lords, (as in modifications,* pendente lite, *) not bearing days (as ſix, ten, or fifteen) but inform as effeirs, muſt be on fifteen days, and muſt paſs by way Bill, as the warrand thereof; as alſo all Hornings on inferiour Decreets, as Sheriff, Comiſſar, Bailies of Borrows, Stewartries, and Regalities, muſt be on* 15 *days, and all Letters on Acts of Parliament (if not otherways ordained thereby) muſt be on the like days, only Laborrows may be on* 6 *days, againſt ſuch as live on this ſide* Dee, *but on* 15 *days beyond it, and ſicklike all Hornings againſt perſons outwith the Kingdom (albeit the Bond or other Ground upon which it is raiſed, bear* 6, 10, *or* 15 *days) muſt be on* 60 *days, and execut at the croſs of* Edinburgh, *and peer of* Leith, *and not at their dwelling houſes; albeit they have ſuch within the Countrey, and becauſe ſome Hornings are ſignet* per Decretum, *others* per actum, *and others* ex diliberatione Dominorum Conſilii, *and others* per actum Parliamenti (*on which alſo Writters write Letters*) *it is to be obſerved, that all Hornings paſt upon Regiſtrat Bonds, and Decreets of the Lords or Parliament, bearing dayes, as ten, ſix, or* 15, *or the like, are* per Decretum; *but wanting days, are* ex Deliberatione, *becauſe paſt by way of Bill, and Hornings on all inferior Decreets are* ex deliberatione, *ſeing they paſs by Bill, and acts as in Aliments,* pendente lite *are* per actum.

The

The Debitors being lawfully charged to make payment, either perſonally or at their Dwelling-places, being within the Countrey, or at Edinburgh *Croſs, and Peir of* Leith, *being outwith the ſame* ut ſupra; *and the days of the Charge being elapſed, and no payment made, then the Parties may be denounced, the Horning and Executions regiſtrat, and Caption raiſed thereon, as follows.*

Caption.

Charles, &c. Forſemeikle as it is humbly meant and ſhown to us, by *W. G.* Aſſigney after-ſpecified, that where upon the —— day of — — years, *A. B.* as Principal, and *C. D.* as Cautioner for him, were orderly denounced Rebells, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed, and execute againſt them, at the inſtance of the ſaid Complainer, for not payment making to him of the ſum of —— *Scots* Money of Principal — Money foreſaid of Expenſes, and Annualrents of the ſaid principal Sum, ſpecified and contained in a Bond made and granted by the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner, conjunctly and ſeverally, to *G. D.* — thereupon, of the date the — day of — — years, Regiſtrat in the Books of Council and Seſſion, upon the —— day of —— years, and in an Aſſignation of the ſame made by the ſaid *G. D.* to the ſaid Complainer thereupon, dated the — day of —— years. (*W.*) as the ſaids Letters of Horning and Executions thereof duely execute, Indorſed, and Regiſtrat conform to the Act of Parliament, ſhown to our Lords of Council and Seſſion, has teſtified, under the Proceſs of the whilk Horning, the ſaid Principal and Cautioner have continually lyn and abidden ſinceſyne, and yet dayly haunt, frequent, reſort, and openly repair to Kirk, Mercat, and other privat and publick Places and Companies within this Realm, as if they were free perſons therein, and no ſuch Proceſs of Horning led and deduced againſt them in the ſaid matter, in high contempt of Us, our Authority and Laws, and in evil Example of others to commit the like in time-coming, without Remeid be provided thereto, as is alledged. Our will is therefore, and we charge you ſtrictly, and Command, that incontinent thir our Letters ſeen, ye pals, and in our Name and Authority, Command and Charge the Sheriffs of the Sheriffdoms of —— the Provoſts and Baillies of the Burrows of — the Stewarts of the Stewartries, and Baillies of the Regalities of — — and all their Dputs, and alſo Meſſengers at Arms, our Sheriffs in that part foreſaid, to paſs, ſearch, ſeek, take and apprehend the ſaids *A. B.* and *C. D.* Rebells foreſaids, wherever they may or can be apprehended within the bounds of their Offices and Juriſdictions, and being apprehended therein, to Keep, Detain and Withhold them in ſure Ward, Firmance and Captivity, within their Tolbouths, and other their Warding-places, therein to remain upon their own proper Charges and Expenſes, ay and while they have fulfilled and obeyed the Command and Charge of our ſaid other Letters of Horning, and be orderly relaxed from the Proceſs of Horning therein contained; and for that effect if need beis, that ye make ſteiked and lockfaſt Houſes, Gates and Doors, Open and Patent, and uſe our Keys thereto, within three days next after they be charged by you thereto, under the pain of Rebellion and putting of them to our Horn, with Cerification to them if they failzie, our other Letters will be direct, charging them thereto ſimpliciter, and if thir our other Letters be put to Execution within the Burgh of *Edinburgh*, that the Concurrance of the Magiſtrats thereof be had and obtained thereto, according to Juſtice, becauſe the Lords have ſeen the Regiſtrat Horning above-written, as ye will anſwer to us thereupon----

Ex deliberatione Dominorum Concilii.

A Magiſtrat being Charged by vertue of the foreſaid Letters of Caption, to apprehend the Rebels, and refuſing, or delaying to give obedience upon Production of the Caption, and meſſengers Execution; the Lords will grant ſimple Horning, or as ſome term them Letters of.

Second Caption.

CHarles —— forſemeikle as it is humbly meaned and ſhown to us, by *W.G.* Aſſigney after-ſpecified, that where upon the-----day of ----- *A. B.* as Principal, and *C. D.* his Cautioner were orderly denunced Rebells------(here take in, the narrative of the preceeding Caption, till ye come to the Letter (*W.*) and then ſay) as the ſaids Letters of Horning, and Executions thereof, duely Regiſtrat conform to the Act of Parliament, in themſelves more fully is expreſt; whereupon the ſaid Complainer raiſed Letters of Caption, at his Inſtance againſt the ſaids Principal, and Cautioner, and by vertue thereof, cauſed *I. H* Meſſenger paſs upon the ----day of---- laſt by-paſt, and lawfully-command and charge *M. R.* one of the Bailies of the Burgh of -----, within whoſe Teritory and Juriſdiction, the Rebells were for the time; to paſs, ſearch, ſeek, take and apprehend them, and being apprehended, to put, keep, detain, and withold them in ſure Ward, Firmance, and Captivity within their Tolbouth, and other their warding places, therein to remain upon their own proper Charges and Expenſes, ay and while they fulfilled and obeyed the Command and Charge of the ſaids Letters of Horning, and were orderly freed, and relaxed from the Proceſs of Horning, therein contained; and for that effect to make lock-faſt houſes, gates and doors: open, and patent, and uſe our keys thereto, and that within the ſpace, and with certification, as is at length ſpecified, and contained in the ſaids Letters of Caption, as the ſamen, and Executions thereof, ſhown to the Lords of Council and Seſſion, has teſtified,-Nevertheleſs, the ſaid *M. R.* wrongoufly refuſes, poſtpones, and defers to give obedience to the ſaid Charge, without He, and the remanent Magiſtrats of the ſaid Burgh be furder compelled; wherefore neceſſar it is, to the ſaid Complainer to have thir our Letters direct at his Inſtance, againſt them, in manner, and to the effect after ſpecified, as is aledged, Our will is herefore, and we charge you ſtrictly, and command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, command and charge the ſaid *M. R.* Bailie of the ſaid Burgh, and the Provoſt, and remanent Bailies of the ſame perſonally, or at their dwellnig places, and by open Proclamation, at the mercat croſs of the ſaid Burgh, to paſs, ſearch, ſeek, take and apprehend the ſaid *A. B.* and *C. D.* Rebels foreſaids, wherever they may, or can be apprehended within the bounds of their Offices, and Juriſdictions, and being apprended therein, to put, keep, detain, and withold them in ſure Ward, Firmance, and Captivity, within their Tolbuiths, and warding places, therein to remain upon their own proper Charges, and Expenſes, ay and while they fulfill and obey the Command and Charge of our ſaids other Letters of Horning, and be orderly freed and relaxed from the Proceſs of Horning therein contained, and for that effect, if need beis, to make ſteicked, and lockfaſt houſes, gates and doors open and patent, and uſe our keys thereto, within three dayes nixt after they be charged by you thereto, under the pain of Rebellion, and puting of them to our Horn, wherein if they failzie the ſaid three dayes, being firſt come, and bygone; that incontinent therealter ye denunce them our Rebels, and put them to our Horn, and Eſcheat, and imbring all their moveable goods and gear to our uſe for their contemption; and alſe, that ye uſe the hail remanent order againſt them preſcrived by the Act of Parliament made thereanent; according to Juſtice, becauſe the Lords have ſeen the Caption formerly raiſed, execute ——as ye will anſwer to us.——

ex deliberatione D. C.

The Magiſtrats, or any of one them, (which is ſufficient for the hail, being one Incorporation) being charged by vertue of the foreſaids Letters, and not giving obedience, may (after the dayes of the Charge are elapſed,) be denunced, Regiſtrat at the Horn, and Caption raiſed againſt them, as follows.

Caption againſt the Magiſtrats.

Charles ---- forſemeikle as it is humbly meant and ſhown to us, by *W. G.* that, where upon the ------ day of ----- years, *H. D.* Provoſt, *M. R. P. D.* and *W. R.* Bailies of the Burgh of -----were orderly denunced Rebels, and put to the Horn, by vertue of Letters of Horning raiſed, uſed, and execut againſt them at the Inſtance of the ſaid Complainer, for not paſſing, ſearching, ſeeking, taking and apprehending of *A. B.* and *C. D.* who were alſo upon the -----day of ---- --years denounced to the Horn, by vertue of Letters of Horning raiſed, and execut againſt them at his Inſtance for not payment making, to him of the ſum of ----- money, as Principal ---- of Expences, and Annuals of the ſaid principal Sum contained in an Bond, granted by the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner for him, conjunctly and ſeverally, to *G. D.* thereupon of the date the ----day of--- --years Regiſtrat in the Books of Council and Seſſion, the----- day of ---- years, and in an Aſſignation made by the ſaid *G. D*, to the ſaid Complainer thereupon of the date the ----day of --- years; and the ſaid *A. B.* and *C. D.* being apprehended, for not putting, keeping, detaining and witholding of them, in ſure Ward, Firmance and Captivity, within the ſaids Magiſtrats their Tolbouth of the ſaid Burgh of --- and others their Warding places, therein to remain upon their own proper Charges and Expenſes, ay & while the ſaids *A. B.* and *C. D.* Rebels foreſaids fulfilled and obeyed the Command and Charge of the foreſaids other Letters of Horning direct and execut againſt them, and were orderly freed and relaxed from the Proceſs of Horn, therein contained; and for not making ſteicked and locktaſt houſes, gates and doors open and patent, & uſing our keyes thereto, within the ſpace ſpecified in the ſaids Letters of Horning as the ſamen and Executions thereof, duely Regiſtrat conform to the Act of Parliament, ſhown to the Lords of Council and Seſſion, has teſtified, under the Proceſs of the whilk Horn, the ſaids Provoſt and Bailies have continually lyen, and abidden ſinceſyne, and yet dayly haunt ——— (here proſecute the reſt of an ordinar Caption, without any alteration.)

Nota, *If the Party pleaſe, he needs not be at the pains of Horning or Caption againſt the Magiſtrats (In caſe the Priſoner was offered to them) for he may purſue them for the Debt, and the Rebels being offered, and they refuſing, or accepting, and not Incarcerating, or Incarcerating, and dimiſſing without a Charge to put at Liberty, the Magiſtrats will be lyable: and the Stile of this Lybell, ye will find amongſt the reſt of the Summonds, neither wants this matter its own difficulties in the Deciſion, the Magiſtrats oftimes cledding their negligence with one pretext or other, as may be read in* Dury, *and other Practiques, eſpecially in the Purſuits againſt* Elgine, Inverneſs *and* Forres.

The nixt thing to be conſidered, is, what if the Debitors Suſpend before any ſuch Charge given to, or Execution uſed againſt the Magiſtrats; then there muſt be a Bond of Caution written, the tenor whereof follows.

Bond of Caution.

I *I. B.* of — by thir preſents bind and oblige Me, my Heirs and Succeſſors, as Cautioner, and ſoverity acted in the Books of Council and Seſſion, for *A. B.* and *C. D.* that in caſe it be found by the Lords of Council and Seſſion, after diſcuſſing of the Suſpenſion, to be raiſed by them in the matter under-written; that they are holden, and ought, and ſhould make payment to *W. G.* of the Sum of ----- of Principal, ---- of Expences and Annuals of the ſaid principal Sum bygone, reſting, owing, unpayed, and yearly and termly in time coming, during the not payment thereof (the terms of payment being firſt come, and bygone,) ſpecified and contained in an Bond aledged, made, and granted by the ſaid *A. B.* as Principal, and *C. D.* as Cautioner for him, conjunctly and ſeverally, to *G. D.* thereupon of the date the ----- day of ——— --years, Regiſtrat in the Books of Council and Seſſion, the ——— day of --- -- years, and in an Aſſignation made by the ſaid *G. D.* to the ſaid *W. G.* of the ſamen dated the----- day of -- --years. that they ſhall do therein, according to the ſaids Lords their Decreet and Declarature to be given thereanent, and alſe ſhall make payment to the Party Charger of ſuch other Sums of Money, as the ſaids Lords ſhall pleaſe modifie, and 20 Merks to his Majeſties Theſaurie for their Eſcheat goods, in caſe of wrongous Suſpending, and that it be found after diſcuſſing thereof, that they are orderly denunced Rebells, and put to the Horn for the cauſe foreſaid: and we the ſaids *A. B.* and *C. D.* by thir preſents, bind and oblige us, conjunctly and ſeverally, and our Heirs and Executors to warrand, free, relieve, harmleſs and skaithleſs keep our ſaid Cautioner, and his foreſaids of his ſaid Cautionry, and of all Coſt, Skaith, Damage, Intereſt, Charges and Expenſes, that they ſhall happen to ſuſtain, or incur there-through in time coming, and for the more ſecurity —— there be many Bonds, but the matter only alters,
and the Stile is the ſame.

Suſpenſion.

C *Harles* ---- Eoraſmeikleas it is humbly meant and ſhown to us, by *A B* of —— and *C. D.* of — that where *W. G.* Aſſigney after-ſpecified, has upon his pretended manner, raiſed other Letters, and there-with cauſed Charge the ſaids Complainers to make payment to him of the ſum of ---- ſcots Money as Principal ---- of Expenſes, and Annuals of the ſaid principal ſum bygone, reſting, owing, unpayed, and in time coming, during the not payment thereof, ſpecified and contained in an Bond aledged, made and granted by the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner for him, conjunctly and ſeverally, to *G. D.* thereupon of the date the ---day of -- -- years, Regiſtrat in the Books of Council and Seſſion upon the ---- day of -- -- years, and in an Aſſignation made by the ſaid *G. D.* to the ſaid *W. G.* of the ſamen dated the ---day of-- -- years within an certain ſhort ſpace nixt after the Charge, under the pain of Rebellion, and putting of the ſaids Complainers to the Horn, and for aledged Diſobedience thereof has denunced (at leaſt intends to cauſe denunce them Rebells, and put them to the Horn, at leaſt to poynd their Goods therefore, *(H.)* moſt wrongouſly and unjuſtly conſidering it is of verity —— (here inſert the reaſons, as in the Bill changing the firſt perſon in the third: thus we are moſt wrongouſly charged --the Complainers are moſt wrongouſly charged, and whereas the Bill bears, —— preſent to ſhow, bears, the Letters muſt bear, ſhown to the Lords of our Council and Seſſion, has reſtified, and thereafter ſay) and *ſua* the ſaids Lords may evidently perceive how wrongouſly and unjuſtly the ſaids Complainers are charged

charged in manner, and to the effect foreſaid, by all Law, Equity and Reaſon, Nevertheleſs for Obedience, they have inſtantly found ſufficient Caution, acted in our Books of Council and Seſſion, for payment to the ſaid Charger, of the foreſaids Sums charged, for in caſe it be found that they ought to do the ſame, and for payment of ſuch other Sums, as the ſaids Lords ſhall pleaſe modifie, in caſe of wrongous Suſpending, and to our Theſaurie of 20 merks for their eſcheat Goods; in caſe it be found that they are orderly denunced Rebells, and put to the Horn for the cauſe foreſaid, and therefore, the foreſaid pretended Letters, and Charge, hail Effect, and Execution thereof, and Proceſs of Horning, Poynding, Caption, and others therein contained, and to follow thereupon, ought and ſhould be ſimpliciter Suſpended upon the ſaids Complainers, and they relaxed from the Horn (*K.*) for the Reaſons and Cauſes foreſaids, and others to be proponed at the diſcuſſing hereof, as is aledged, Our will is herefore, and we charge you, that ye lawfully Summond, Warn and Charge the ſaid *W. G.* perſonally, or at his dwelling place, to compear before our ſaids Lords of Council and Seſſion, at *Edinburgh*, or where it ſhall happen them to be for the time the —— day of —— (which is the day on the back of the Bill) in the hour of Cauſe with Continuation of days, bringing with him the foreſaid pretended Regiſtrat Obligation, Aſſignation made to him thereof, Letters of Horning, Poynding, Caption, and others raiſed thereupon, with the Executions thereof, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame hail Effect, and Executions thereof, and Proceſs of Horning, Poynding, and others therein contained, ſimpliciter Suſpended upon the ſaids Complainers, and them relaxed from the Horn in time coming, for the Reaſons and Cauſes foreſaids, and others —— attour, we, and the ſaids Lords of our Council and Seſſion have ſuſpended and hereby ſuſpend the foreſaids Letters, and Charge, hail Effect and Execution thereof, grounds whereupon the ſame proceeded upon the ſaids Complainers; Diſcharging hereby all Officers, and Meſſengers at Arms, of all putting of the ſaids Letters to any further Execution againſt them, and of their Offices in that part, in time coming, in the mean time while the — day of — (the back of the Bill bears this date likewiſe (that the verity be known, (ſecluding Apprayſing of Lands) and if the ſaids Complainers be denunced Rebells and put to the Horn for the cauſe foreſaid, that ye in our Name and Authority, relaxe them therefrae, receive them to our peace again, and deliver to them, or any other in their Name, the Wand thereof, in the mean time while the ſaid day that the Verity be known, as ſaid is, according to Juſtice; becauſe *I. B.* is become Caution for the Complainers, to the effect above ſpecified, and for payment to our Theſaurer of 20 Merks for their Eſcheat-goods, as ye will anſwer ——

Ex deliberatione Dominorum Concilii.

Nota, *If the Suſpenders be incarcerat, then there muſt be a Charge to put at Liberty included in both Bill and Letters as follows, viz. In the Narrative at the Letter* H. add thir words, —— *As alſo have incarcered the ſaids Complainers within the Tolbooth of —— for the ſame, and at the Letter* K. *before the* (*Will* add theſe Words —— *and alſo ſet at Liberty*—— *and before according to Juſtice, immediatly add the Clauſe following* ——

And ſicklike, that ye in our Name and Authority, Command and Charge the Provoſt, or any one of the Baillies of the ſaid Burgh of —— preſent or to come perſonally, or at their dwelling-places, to ſet the ſaid *A. B.* and *C. D.* at liberty, forth of the ſaid Tolbouth within the which they remain incarcerat, as ſaid is (*L.*) and that within 24 Hours next after they be charged by you

thereto, under the pain of Rebellion and putting of them to the Horn, wherein if they failzie the ſaids 24 Hours, being firſt come and bygone, that incontinent therealter ye denounce them our Rebells, and put them to our Horn, and Eſcheat, and imbring all their moveable Goods and Geir to our uſe for their Contemption, and that ye uſe the hail remanent Order againſt them, preſcribed by our Act of Parliament made thereanent.

There is another Proviſion that uſed to be Inſert in the Deliverance of Bills of Suſpenſion, containing Charge to put at Liberty, albeit now a dayes omitted) viz. *provided the Complainers be not arreſted or detained for any other cauſe. But if the ſamen ſhall hereafter be inſert, let it be placed in the Charge to put at libertie at the Letter* L. *and as to the words ſecluding, appryzing of Lands, ſome Suſpenſions have it, and others want it, ſo that the deliverance of the Bill rules all.*

But to proceed, this Suſpenſion being diſcuſt, and the Letters found orderly proceed: the nixt ſtep, is, to extract the Decreet and Bond of Cautionry, and raiſe Horning on both, againſt the Suſpenders, and their Cautioner, as follows.

Horning and Poynding.

CHarles —— Forasmeikle as it is humbly meant and ſhown unto us, by *W. G.* that where *A. B.* of —— as Principal, and *C. D.* of —— as Cautioner for him, by their Bond dated the — day of ——— years, (for the Cauſes therein-ſpecified) band and obliged them, conjunctly and ſeverally —— here take in the Narrative of the Horning at the Complainers Inſtance, as Aſſigney, till ye come to the Letter P. and then ſay) Whereupon the ſaid Complainer having raiſed Letters of Horning at his inſtance, againſt the ſaid Principal and Cautioner, and by vertue thereof, having cauſed charge them, conjunctly and ſeverally, to make payment to him of the foreſaids Sums contained in the ſaid Bond, within a certain ſhort ſpace next after the Charge, under the pain of Rebellion, and putting of them to our Horn; They for eſchewing the Danger thereof, meaned themſelves to the Lords of our Council and Seſſion, and upon certain frivolous Reaſons, and by finding of *I. B.* Cautioner therein in manner under-written, obtained Suſpenſion in the ſaid matter, which being oft and diverſe times called in preſence of the ſaids Lords: And laſt of all, upon the ---day of --- --- years, they by their Decreet of Suſpenſion, then given and pronounced by them in the ſaid matter (for the Cauſes therein-ſpecified) fand the foreſaids Letters and Charges raiſed, uſed and execute, at the inſtance of the ſaid Complainer, againſt the ſaid *A. B.* and *C. D.* Principal and Cautioner foreſaid, orderly proceeded, and ordained them to take effect, and to be put to farder Execution, ay and while they made payment to him of the foreſaids ſums of Money, principal Expenſes, and Annualrents reſpective above-ſpecified, contained in the ſaid Bond conform to the tenor thereof, and Aſſignation made to him of the ſame in all points; Likeas the ſaid *I. B.* the time of the obtaining of the foreſaid Suſpenſion by his Bond and Act of Caution, of the date the — day of —— years, band and obliged him, his Heirs, and Executors, as Cautioner and Soverty acted in our Books of Council and Seſſion for the ſaid *A. B.* and *C. D.* that in caſe it were found by our Lords of Council and Seſſion, after diſcuſſing of the foreſaid Suſpenſion, that they are lyable, and ought, and ſhould make payment to the ſaid Complainer of the ſaid ſums of Money, that they ſhould do therein according to the ſaids Lords their Decreet and Declarator to be given thereanent, and ſhall make payment to him of ſuch other Sums of Money, as the ſaids Lords ſhould pleaſe modifie, in caſe of wrongous ſuſ-

pending

pending, as the ſaid Decreet of the date foreſaid, and Act of Caution reſpective, inſert and regiſtrat in our ſaids Books of Council and *Seſſion*, and our ſaids Lords their Decreet interponed thereto, upon the — day of —— years, ordaining Letters and Executorials to be direct thereupon, in manner under-written, ſhown to the ſaids Lords have teſtified. (Q.) And albeit it be of verity, that the ſaid Complainer has oft, and diverſe times deſired and required the ſaid Principal, and Cautioner in the foreſaid Bond, and the ſaid *I. B.* Cautioner in the foreſaid Suſpenſion, to have made payment to him of the foreſaids Sums of Money, Principal, Annualrents and Expenſes reſpective above-ſpecified; Nevertheleſs, they wrongouſly refuſed, and as yet refuſe, poſtpone and defer to do the ſame, without they be compelled, as is aledged; Our will is herefore, and we charge you ſtraitly and command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority Command and Charge the ſaid *A. B.* and *C. D.* Principal and Cautioner in the ſaid Bond, and the ſaid *I. B.* Cautioner in the ſaid Suſpenſion, conjunctly and ſeverally perſonally, or at their dwelling places, to make payment to the ſaid Complainer, as Aſſigney foreſaid, of the ſaid Sum of — Money foreſaid, of Principal — of Expenſes and Annuals, of the ſaid principal Sum of all Years and Terms bygone, Reſting, Owing Unpayed, and ſicklike yearly and termly, in time coming, during the not payment (the terms of payment of the ſame, being firſt come and bygone,) after the Form and Tenor of the ſaid Obligation, Decreet interponed thereto, Aſſignation above-ſpecified, made to the ſaid Complainer thereof, Decreet of Suſpenſion, Act of Caution foreſaid, and Decreet interponed to the ſame in all points, within — days nixt after they be charged be you thereto, under the payn of Rebellion —— here follow out the Concluſion of the Horning and Poynding at the ſame Complainers Inſtance, againſt the ſaid Principal and Cautioner, till ye come to — after the Form and Tenor in the Poynding, and then ſay, ——after the Form and Tenor of the ſaid Bond, Decreet interponed thereto, Aſſignation, Decreet of Suſpenſion, Act of Caution, and Decreet interponed to the ſame in all points, according to Juſtice, becauſe — here take in the becauſe, as on the back of the Bill ——. as ye will anſwer ——

ex deliberatione Dominorum Conſilii.

But a queſtion may ariſe, in writting this Horning, viz. *the Bond bears. Letters to paſs on 6. or ten days, probably, and the Act of Caution only on fifteen days, or in form as effeirs, (as uſually they do) which is equivalent, upon how many days then ſhall they be Charged? It is anſwered, the days would be diſtinguiſhed, or all of them charged on the longeſt day, for albeit a Party cannot be charged on fewer days, than condeſcended to, yet upon more, he may, there being no prejudice but a favour indulged; And withal, it would be adverted to, that albeit this Horning bears the Bond and Aſſignation to be produced, as the Ground thereof, as well as the Decreet and Act of Caution, yet the laſt two (if the other two be not extant to produce) are ſufficient, and in lieu of —— ſhown to the Lords has teſtified, it would be ſaid, — at more length proports, I mean as to the Bond and Aſſignation when not produced as ſaid is.*

Nota, *Upon this Horning, Caption and all other legal Diligence may be raiſed againſt the Cautioner in the Suſpenſion, as well as againſt the other Principal and Cautioner, on the Bond and Decreet of Suſpenſion,* mutatis mutandis; *And if the Creditor fear the Debitors may ſell their Eſtates to his prejudice, he may raiſe Inhibition againſt all of them, as follows.*

Letters of Inhibition.

Charles —— Forasmeikle as it is humbly meant and shown to us, by *W.G.* Assigney after-specified; That where —— here deduce the Narrative of the Horning immediatly preceeding, till ye come to the Letter (*Q.*) and then say, —— and the saids *A. B. C. D.* and *I. B.* knowing perfectly that the said Complainer is to sute all manner of Execution, both Personal and Real against them, for payment of the foresaids Sums contained in the said Bond, Decreet, and Act of Caution; they in manifest Defraud, Hurt and Prejudice of him thereanent, intend (as he is informed) to Sell, Annalzie, Wadset, Dispone, Resigne, Renounce, Dilapidat and put away, all and sundry their Lands, Heretages, Annualrents, Liferents, Reversions, Milns, Woods, Fishings, Tacks, Steadings, Roums, Possessions, and others whatsomever pertaining and belonging to them, and to make privat and publick Alienations, Dispositions, Wadsets, Assignations, Resignations, Renounciations, and other Rights and Securities thereof, and to contract and take on Debts, and to grant Bonds, and other Rights and Securities therefore, without remeid be provided thereto, as is alledged: Our will is herefore, and we charge you straitly, and Command, that incontinent thir our Letters seen, ye pass, and in our Name and Authority, inhibit and discharge the saids *A. B. C. D.* and *I. B.* personally, or at their Dwelling-places, that they on no ways Sell, Annalzie Wadset, Dispone, Resign, Renunce, Dilapidat, nor put away any of their Lands, Heretages, Annualrents, Liferents, Reversions, Milns, Woods, Fishings, Tacks, Steadings, Roums, Possessions, nor others pertaining and belonging to them, nor make no privat nor publick Alienations, Dispositions, Wadsets, Assignations, Resignations, Renounciations, nor other Rights nor Securities thereof, to no person or persons, nor Contract, nor take on Debts, nor give Bond or other Right or Security therefore, nor do any other Fact or Deed directly nor indirectly in any sort, whereby the Right of the saids Lands or others foresaids pertaining to them, may be any ways evicted or apprized from them, in defraud, Hurt or Prejudice of the said Complainer, anent the Implement and fulfilling to him of the foresaid Bond, Decreet, and act of Caution, and payment making to him of the foresaids sums therein contained; And als, that ye in our Name and Authority foresaid, inhibit and discharge all and sundry our Lieges, and others whom it effeirs, by open Proclamation at the Mercat-Cross of —, and other places needful, that they on no ways presume, nor take upon hand under whatsoever Colour or pretext, to Buy, Block, take or receive in wadset Meal, Meal-free, or otherwise from the forenamed Persons any of their Lands, Heretages, Rooms, Possessions, or others foresaids pertaining to them, nor receive from them any Alienations, Dispositions, Wadsets, or other Rights or Securities thereof, nor lend to them any Sums of Money, nor receive no Bond or other Right or Security therefore, in defraud or to the prejudice of the said Complainer, as said is; Certifying them that do in the contrair, that the same shall be null, and of none Avail, Force, Strength, nor effect, with all that has followed or may follow thereupon, and make no Faith in Judgement, nor outwith the same in time-coming; And that ye cause registrat thir our Letters with the Executions thereof, within fourty days, conform to the Act of Parliament, according to Justice, because —— here insert the 2 Because on the back of the Bill —— as ye will answer. ——

Ex deliberatione Dominorum Concilii.

There may be Inhibition had upon any ground obligatory, yea upon a depending Action, and yet there is but one Inhibition here insert, and the Reason

ſon is, becauſe in all Inhibitions nothing alters but the Narrative and the Stile after the Will is ſtill the ſame, except in Inhibitions againſt a Wife, Inhibitions againſt Minors, (in which caſe the Tutors and Curators muſt be alſo inhibit at the Croſs, not to ſell the Minors Lands —) Inhibitions of Tithes and Inhibition againſt a perſon out of the Countrey, which muſt be execute at the Croſs of Edinburgh, *and Peir of* Leith; *As alſo at the Croſs of the Juriſdictions where the Lands ly (without which it is ineffectual) and a Pattern or Stile of which Inhibition ye will find Page among the other common Letters a part, they being extraneous to the Method now propoſed.*

So much as to Perſonal Execution.

The next thing propoſed, is Real Execution.

And before proſecuting thereof, two things would be adverted to; Firſt, that both Debitors and Creditors (or thoſe having right from them, and whoſe Right is intimat in the Conſtituents own Lifetime) be one Life: Secondly, that the Debitors be really Infeft in the Lands and others to be appryzed, and their Seaſins duely regiſtrat conform to the Act of Parliament.

And ſo concluding that both Parties are on Life, and that the Debitors are Infeft.

The Letters of Appryſing follow.

Charles — Foraſmeikleas it is humbly meaned and ſhown to us, by *W. G.* Aſſigney after-ſpecified, that where *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the — day of — — years — here to inſert the narrative of the proceeding Horning, untill ye come to the Letter *Q.* only whereas the Horning ſayes, (as to the ground thereof ſhown to the Lords, has teſtified ye muſt ſay here, at more length proports, becauſe no Horning is granted without it be inſtructed: but there is no neceſſity for inſtructing any Bill of Appryzing, till ye come to the leading,) and albeit it be of verity, that the foreſaids ſums of Money reſpective above-ſpecified, be as yet truly adebted, and reſting, owing, unpayed, and that the ſaid Complainer has oft and diverſe times deſired and required the ſaid Principal and Cautioners to have made payment to him, as Aſſigney foreſaid, of the ſamen; Nevertheleſs, they wrongouſly refuſed, and as yet refuſe, poſtpone and deter to do the ſame without they be compelled, wherefore neceſſar it is to him to have Letters of Poynding and Appriſing direct at his Inſtance, againſt them, in manner, and to the effect after-ſpecified, containing Diſpenſation anent the place, and time of Vacance in manner after-mentioned, and becauſe diverſe and ſundry Queſtions, Debates and Controverſies may ariſe, (*R.*) the time of the leading and deducing of the ſaid Appryſing, whilks can hardly be diſcuſt either upon the ground of the Lands, and others to be Apprized with the Pertinents, or within the Tolbouth of the Head-burgh of the Sheriffdom, Regality, or other Juriſdiction within which the ſame ly: that the ſamen be led and deduced within the Tolbouth of *Edinburgh*, as place moſt fit and convenient therefore, (where all Parties having, or pretending to have Intereſt, may be heard, to oppone and object, and whereintill if any Doubt Difficulty or Queſtion ſhall happen to ariſe, the ſame may be beſt reſolved by advice of Men of Law and Judgment, as is aledged; Our will is therefore, and we Charge you ſtraitly & Command, that Incontinent thir our Letters ſeen, ye paſs, and in our Name & Authority, Search, Seek, Fence, arreſt, apprize, Compell, Poynd and Diſtrenzie the ſaid *A. B. C. D.* and *I, B.* Principal and Cautioners foreſaids, their readieſt Goods, Gear, Corns, Cattel, Inſight, Plenniſhing, Horſe,

Nolt, Sheep, Debts, ſums of Money, and others Moveable Goods and Gear whatſomever, Poyndable and Diſtrenzieable pertaining and belonging to them, wherever the ſame may or can be apprehended, make penny thereof, and ſailzing of their moveable Goods and Gear Poyndable; that ye Apprize all and ſundry their Lands, Heretages, Annualrents, Liferents, Reverſions, Tacks, Steadings, Roums, Poſſeſſions, Milns, Woods, Fiſhings, Houſes, Biggings, Yards, Orchards, and others pertaining and belonging to them, wherever the ſamen ly, or be within this Realm for Payment and Satisfaction to the ſaid Complainer of the Sums of Money Principal, Annualrents, and Expenſes reſpective above-ſpecified, contained in the ſaids Bonds and Decreet of Suſpenſion, after the Forms and Tenors thereof, Aſſignation and Act of Caution above-mentioned, and Decreet interponed to the ſaid Bond and Act of Caution in all points, Extending the ſaids Sums at the Term after-ſpecified to the Sum after-mentioned, and that as for the Principal, and of the Shirriff-fie, effeiring thereto, Extending in manner under-written, *ſalvo juſto Calculo*, in both the ſaids Sums, and for that Effect that ye lawfully denunce the foreſaids Lands, and others to be appryzed with the Pertinents openly upon the Ground thereof, and by open Proclamation at the Mercat-Croſs of —— and other places needful, together with the Ground-right and Property thereof, and all other Right and Title whatſoever, competent, or that may be competent to the ſaid Principal and Cautioners of the ſame, with the Teind-ſheaves, and other Teinds both great and ſmall, as well Parſonage as Vicarage thereof, together with all Bonds, Obligations (*F*) Contracts, Diſpoſitions, Charters, Inſeſtments, Procuratories, and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſin, and other Writs, Evidents, Rights, Titles and Securities whatſomever, made and granted by whatſoever perſon or perſons to the ſaid Principal and Cautioners, or one or other of them, or to their Predeceſſors, Cedents and Authors, or others to their uſe and behove, or that may be introduced or conceived in their favours, or any ways competent (*W.*) or that may be competent to them, or either of them, or to their Heirs or Aſſigneys, of, upon, or concerning the ſaids Lands, Teinds, and others foreſaids, or any part or portion thereof, for whatſomever Space or Spaces, as yet to run therein contained, together alſo with all and ſundry Reverſions (*R.*) as well Legal as Conventional, Legal of Legal, and Legal upon Legal, Bonds, Promiſes and Conditions of Reverſions, if any be made, given, granted, promitted, provided, or of the Law competent to be made and granted by whatſoever perſon or perſons to the ſaids Principal and Cautioners, or one or other of them, or their Predeceſſors and Authors, Heirs or Aſſigneys, or any other perſon or perſons to their uſe and behove, for Redemption, Louſing, and out-quitting from whatſoever perſon or perſons of the ſaids Lands, Teinds, and others to be appryzed, with the Pertinents, or any part or portion thereof, or of any Annualrent or other Duty to be upliſted furth of the ſame (*G.*) To To be appryzed before you and your Collegues, one or more, conjunctly and ſeverally, within the new *Seſſion*-houſe of *Edinburgh*, upon the —day of—— or any other day or days to be aſſigned and appointed by you for that effect, in the hour of Cauſe; Notwithſtanding of the ſeriot and cloſe time of Vacance, if any ſhall happen to be the time of the leading and deducing of the ſaid Appryſing whereanent, and with all that may follow thereupon, or that can be objected againſt the ſame, We, and the ſaids Lords in our name diſpenſe for ever, and admit and declare the ſame to be as valid, effectual and ſufficient, as if the ſame were led and deduced upon the ground of the Lands, and others to be Apprized with the Pertinents, or within the Tolbouth of the Head-Burgh of the Sheriffdom, Regality, or oth r Juriſdiction within which the ſame ly in any lawfull time of Seſſion, and that in payment and Satisfaction to the ſaid

Complainer

Complainer of the Sums of Money, Principals, Annualrents and Expenſes reſpective above-ſpecified, Extending at the Term of —— to the Sum of —— and that as for the Principal, and of the Sheriff-fee effering thereto, due to you and your Collegues for Execution of your Office in the Premiſſes, conform to the Act of Parliament, Extending to the Sum of —— Money foreſaid *ſalvo juſto Calculo* in both the ſaids Sums, And als, that ye lawfully Warn the ſaids Principal and Cautioners, (*I.*) perſonally, or at their dwelling places, and als them and all others having or pretending to have Intereſt in the ſaid matter openly upon the ground of the ſaids Lands, and others to be appriſed with the Pertinents, and by open Proclamation at the Mercat Croſs of —— to Compear before you and your Collegues, one or more conjunctly and ſeverally, the ſaid day and place in the hour of Cauſe by Diſpenſation above-written, to hear and ſee the ſaid Appryſing duely lawfully and orderly led and deduced, and the Perſones and Members of Inqueſt, Received, Sworn and admitted to paſs thereupon, and to Oppone and Object there-againſt, as accords of the Law, and to make Intimation and Certification to them as effeirs; and likewiſe that ye Fence, Hold & continue Courts of Appryſing, one or more as need beis in the ſaid matter, and that ye elect and creat Clerks, Serjants, Officers, Dempſters, and all other Members of Court needfull for leading and deducing of the ſaid Appryſing, and that ye Proceed, Inſiſt and Adminſtrat Juſtice thereintill, untill the Final end and Deciſion thereof; and that ye Summond an ſufficient number of Perſons of Inqueſt to paſs thereupon, moſt worthy, leaſt ſuſpect, and who beſt know the veritie of the ſaid matter, Ilk perſon under the pain of 40 pound Scots Money, according to Juſtice, as ye will anſwer to us thereupon. ——.

ex deliberatione D. C.

Nota, *if any of the perſons be out of the Kingdom, or all of them, then ſuch as are out of the ſame, muſt be cited at* Edinburgh *Croſe and Peir of* Leith, *and the Bill and Letters muſt bear an exprſs Warrand,* ad hunc effectum, *at the Letter* (*I*) *and in theſe words,* viz. *and als, that ye lawfully Warn the ſaids Principal and Cautioners, in manner following,* viz. *ſua many of them as be within this Realm the time of the ſaid Warning perſonally, or at their dwelling-places on* 15 *days, and ſua many of them as beis then furth thereof, by open Proclamation at the Mercat-Croſs of* Edinburgh, *and Pier and Shore of* Leith *on* 60 *days, and als them, and all others having or pretending to have Intereſt —— as in the former Stile; And becauſe diverſe Meſſengers are informal in executing the Letters aforeſaid, I have ſet down an Information here to prevent that inconvenience.*

Information for the Meſſenger Executer of the ſaids Letters, as to the Order and Method (Stept by Stept) of his Procedor.]

Imprim. *The Meſſenger muſt go to the Parties Dwelling-houſes, where they and their Families receed, and have their actual Reſidence, and there ſearch for Moveable Goods, —— before witneſſes where (if there be not as much as will ſatisfie the ſums) Then*

2. *The Meſſenger muſt go to the ground of their ſeveral Lands, and within the Houſes being thereupon, ſo far as he can get Entry and Acceſs, and there alſo ſearch* ut ſupra, *and finding no moveable Goods as ſaid is, Then*

3. *The Meſſenger muſt denounce the Lands and others to be appryſed upon the Ground thereof, and likeways warn the Parties, and als all others having or pretending to have intereſt in the ſamen, before witneſſes.*

4. *The Meſſenger muſt go to the Mercat-Croſs of the Head-burgh of the Shire,*

as alſo the Head-burgh of the Regality or Stewartrie within the which the ſaids Lands ly, and then denounce the ſame, and warn the Parties and all others having intereſt thereat before Witneſſes.

5. *The Meſſenger muſt Warn the Parties either perſonally, or at their dwelling places for the time, and leave Sehedules both on the ground, at the Croſſes, and deliver an other to them, or leave the ſame in the Lock-hole of the moſt patent gate and door of their dwelling houſes, (in caſe they be not warned perſonally, as ſaid is) before Witneſſes.*

6. *The Meſſenger would advert that there be fifteen free dayes from the day of Warning the Party to the day of leading the Appryſing, and that the day of the Appryſing fall neither on* Sunday *nor* Munday *(albeit* Munday *be lawful, becauſe of the Diſpenſation contained in the Letters,) And laſtly, that Searching preceed Denunciation, and that both Searching and Denunciation preceed Warning of the Party, for before ſearching who knows but there may be as many Moveables as may ſatisfie the Sums, which if, then there is no reaſon for Denunciation; As alſo before Denunciation, there is no reaſon the Party ſhould be warned, for otherways, how can that part of the Execution be judged real,* viz. *that a Copy was delivered to the Party, or left at the Houſe, containing the hail Effect, Form and Tenor of the Execution, Searching, Seeking, Denunciation and Warnning, and day aſſigned for the Appryſing, ſo that in effect the reſult of all is, that Searching is firſt, Denunciation in the ſecond place, and Warning of the Party is, and ought to be the laſt Act of the Meſſengers Diligence.*

7. *The Meſſenger muſt ſend an exact and perfect Note of all the Lands and others to be Appryſed, and what day he Searched, what day he Denunced on the ground, what day at the Croſſes, and what day he Warned the Parties, and whither perſonally, or at their dwelling places, and before what Witneſſes, and of the day of the* Appryſing, *and of what Superior the Lands hold, and how they ly.*

8. *The Meſſenger muſt ſend blank ſheets ſubſcribed and ſtamped to fill up the Executions.*

9. *The Meſſenger muſt ſend a Warrand to a Meſſenger to ſit as Judge in the Appryſing, but if this be wanting, it may be inſert in the Execution of Appryſing before, and for the more Verification* ——

Schedule of Appryſing.

I *I.H.* Meſſenger by vertue of the Letters of Poynding and Appryſing raiſed at the Inſtance of *W.G.* of —— Aſſigney therein ſpecified againſt you, *A. B. C.D.* and *I.B.* (6) paſt to, and within your dwelling houſes of —— where ye with your Families have your preſent actual Reſidence, and Manſion and thereafter to the ground of the Lands and others after-denunced, with the Pertinents lying and pertaining in manner after expreſt, and there als weel at and upon the ground of the ſaids Lands, and others above and after-ſpecified with the Pertinents, as within your ſaids dwelling houſes and remanent Houſes and Biggings being thereupon, ſo far as I could get entrie or acceſs, I diligently Searched & ſought the moveable Goods & Gear whatſomever Poyndable and Diſtrenzieable, pertaining and belonging to you, to have Poynded and Appriſed the ſame from you at the Inſtance of the ſaid *W.G.* for payment and ſatisfaction to him of the ſums of Money Principal, Annualrents, Expenſes and Sheriff-fee ſpecified and contained in the ſaid Letters of Poynding and Appryzing, Extending in manner therein-expreſt, but I could find none, neither there nor in no other part nor place elſewhere; whereof I could get any knowledge or intelligence after I diligently ſearched and ſought for the ſame in manner foreſaid; therefore I upon the ground of the Lands, and others after-mentioned, and als by open Proclamation at the Mercat Croſs of —— Head-burgh of the Sheriffdom, within the which the ſamen lyes. By

vertue

vertue of my Office conform to the Act of Parliament, and in his Majesties Name and Authority duely, lawfully and orderly denunced all and hail the Lands of —— lying within —— and pertaining Heretably to you the said *A. B.* and all and hail the Lands of — lying within — and pertaining Heretably to you the said *C. D.* and all and hail the Lands of — pertaining Heretably to you the said *I. B.* with the Ground, Right and Property thereof and all other Right and Title competent, or that may be competent to you of the same with the Teind-sheaves, and other Teinds both great and small, as weel Parsonage, as Vicaradge of the said Lands, and others foresaid, and all Tacks and Rights thereof, together with all Bonds, Obligations, Contracts, Dispopositions, as in the Letters of Apprysing, at the Letter (*F.*) together also with all and sundry Reversions ---(here insert as in the Letters of Apprysing, (*R.*) and then say,) to be Appryse before me, or any other Messenger at Arms, and our Collegues one or more conjunctly and severally within the new Session house of *Edinburgh*, upon the — day of — in the hour of cause, by vertue of the Dispensation contained in the said Letters for payment to the said *W. G.* of the sums of Money Principal, Annualrents, Expenses and Sheriff-fie therein-mentioned, Extending in manner therein-expreſt, *salvo justo Calculo*, likeas I lawfully warn you and all others having, or pretending to have Interest in the said matter, to Compear before Me and my Collegues the said day and place in the hour of Cause, by vertue of the Dispensation foresaid ; to hear and see the said Apprysing duely lawfully and orderly led and deduced, and the Persons and Members of Inquest, Received, Sworn and admitted to pass thereupon, and to Oppone and Object there-against, as accords, and I make Intimation and Certification to you, as effeirs ; and als to hear and see Clerks and other Members of Court Elected and Chosen, and Justice Administrat thereintill, untill the final end and Decision thereof, conform to the Principal Letters of Poynding and Appraysing direct to me thereanent, whilk are of the date at *Edinburgh* the —— day of — and of his Majesties Reign the — year 166 ——

ex deliberatione D. C.

If the Party be not present at the leading and deducing of the Appryſing, then he muſt grant Procuratorie, as follows.

Procuratorie.

BE it Kend to all Men by thir present Letters, Me *W. G.* of ---- Foreasmeikle as *A. B.* of ---- *C. D.* of ---- and *I. B.* of ---- their Lands and Estates are denunced to be Appryse at my Instance within the new Session-house of *Edinburgh*, upon the ---- day of ---- for payment to me of the Sums of Money after-specified ; and seing my other urgent and lawfull Affairs do so divert me, as that I cannot be conveniently present the said day and place ; therefore I by thir presents, make constitute and Ordain *A. M.* Writer in *Edinburgh*, and ---- conjunctly & severally, my verie lawfull & undoubted Procurator, to the effect after-specified, with full power to them, conjunctly and severally, as said is, to Compear for Me, in my Name, and upon my behalf within the new Session-house of *Edinburgh* the said day in the hour of Cause, and there produce my Clame and Instructions thereof in presence of the Judge in the said Appryſing, Members and Persons of Inquist, and to obtain the said Appryſing lawfully led and deduced, and the Lands and others therein-mentioned, duely Appryse at my Instance, and to accept and receive the Sums therein-specified, in case the same be really offered, and to grant Discharges on the same, Acts, Instruments and Documents one or more, as needbeis in the said matter, to Ask, Lift and Raise, and to

do all other things thereanent, ſicklike in the ſame manner, and as freely in all reſpects, as I might do therein my ſelf, if I were perſonally preſent, promiſing to hold firm and ſtable ---- Conſenting thir preſents be Inſert and Regiſtrat in the Books of Council and Seſſion, or others competent therein to remain *ad futuram rei memoriam*, and to that effect conſtitutes ---- my Procurators ---- In witnes whereof, I have ſubſcribed thir preſents, (written by *K. D.* of---) with my hand at --- the ---- day of --- --- years before thir Witneſſes.

Executions of Appryſing.

UPon the ----- days of --- reſpective, the year of God ---- years, I *I. H.* Meſſenger, one of the Sheriffs in that part within lawfully conſtitute, be vertue, and at command of the within-written Letters of Poynding and Appryſing, purchaſed and raiſed at the inſtance of the within-named *W. G.* of --- Complainer within-ſpecified, againſt the within-named *A. B. C. D.* and *I. B.* Principal, and Cautioners within-mentioned, paſt, to and within the ſaid *A. B.* his Dwelling-Houſe of --- and to and within the ſaid *C. D.* his Dwelling-Houſe of --- and the ſaid *I. B.* his Dwelling-Houſe of --- where they with their Families have their preſent actual Reſidence and Manſion; and thereafter the ſame days I paſt to the Ground of (*K.*) the Lands and others after ſpecified, with the Pertinents, *viz.* of all and hail the Lands of --- lying within the Parochin of ------ and Sheriffdom of --- and pertaining heretably to the ſaid *A. B.* and of all and hail the Lands of --- lying within the Parochin of ---- and Sheriffdom of ---- and pertaining heretably to the ſaid *C. D.* and of all and hail the Lands of ----- lying within the Pariſh of ---- and Sheriffdom of ---- and pertaining Heretably to the ſaid *I. B.* and to and within the hail Manner-places, Houſes, Biggings, and remanent Office-houſes, being thereupon ſo far as I could get Entry or Acceſs, and there as well at and upon the ground of the ſaids Lands, and others foreſaids, as within the ſaids three Dwelling-Houſes, and remanent Houſes and Biggings being thereupon, ſo far as I could get Entry or Acceſs, as ſaid is, I in his Majeſties Name and Authority, diligently ſearched and ſought the Moveable Goods and Geir whatſoever, poyndable and diſtrinziable, pertaining and belonging to the ſaid *A. B. C. D.* and *I. B.* to have Poynded and Appryſed the ſame from them, at the inſtance of the ſaid Complainer, for payment and ſatisfaction to him of the ſums of Money principal, Annualrents, Expenſes, and Sheriff-fee reſpective within-ſpecified, extending in manner within mentioned *ſalvo juſto calculo*; But I could not find nor apprehend any there, nor in no other part nor place elſe where, whereof I could get any Knowledge or Intelligence, after I had diligently ſearched and ſought for the ſame in manner foreſaid: Therefore I upon the Ground of the ſaids Lands, and others after-denunced, with the Pertinents upon the ſeverall days above-written, (at the which ſearching and ſeeking was made by me in manner foreſaid) and alſo at the Mercat-Croſſes of --- Head-burghs of the Sheriffdoms of --- aforeſaid, within the which the ſame ly (whereunto I paſt upon the --- days of the ſaids Moneths of ------ and year of God above-ſpecified) be open Proclamation, after three ſeveral Oyeſſes, and publick reading of the ſaids Letters of Poynding and Appryſing thereat, and thereupon reſpective, ſeverally and ſucceſſively after others, by vertue of my Office, conform to the Act of Parliament, and in Name and Authority within-mentioned, duely, lawfully, and orderly Denunced, all and hail, and all and ſundry, the foreſaids Towns and Lands of ------ (here Inſert the Lands denunced to the length, and if bounded, let it be inſert here; and then ſay) lying and pertaining as ſaid is, with

with the Ground, Right and Property thereof, and all other Right and Title whatſomever competent, or that may be competent to them of the ſame, with the Teind-ſheaves, and other Teinds both great and ſmall, as weel Parſonage, as Vicarage of the ſaids Lands, and others foreſaid, and all Tacks and Rights thereof, together with all Bonds Obligations —— (here take in all the will of the proceeding Letters of Appryſing, from the Letter (*F.*) till ye come to the *Letter* (*G.*) and then ſay,) to be Appryzed before me, or any other Meſſenger at Arms, Judge in the ſaid Appryſing, and our Colleguesone or more, conjunctly and ſeverally within the new Seſſion-houſe of *Edinburgh*, upon the —— day of ---- in the hour of Cauſe, by vertue of the Diſpenſation within ſpecified, for payment and ſatiſfaction to the ſaid Complainer of the ſums of Money Principal, Annualrents, Expenſes and Sherriff-fee within mentioned, Extending at the Term within written, in manner within expreſt, *ſalvo juſto calculo*, and alſo I lawfully warned the ſaid *A. B. C. D.* and *I. B.* and all others having or pretending to have Intereſt in the ſaid Appryſing, openly upon the ground of the ſaids Lands and others above denunced, with the Pertinents pertaining to the ſaid *A. B.* upon the ſaid ——day of---and of the ſaids Lands pertaining to the ſaid *C. D.* upon the ſaid--- day of --- And of the ſaids Lands pertaining to the ſaid *I. B.* upon the —— day of —— and alſo by open Proclamation at the Mercat-Croſs of —— upon the ſaid—day of ---and upon the ſaid ---day of ---at the ſaid Mercat-Croſs of ---- And laſtly, I lawfully warned the ſaids *A.B. C.D.* and *I. B.* perſonally, apprehended upon the ſaids --- days of ---- and year of God foreſaid, to compear before me, or any other Meſſenger at Arms, Judge in the ſaid Appryſing, and our Collegues one or more, conjunctly and ſeverally the ſaid day and place, in the hour of Cauſe, by vertue of the Diſpenſation above-ſpecified, to hear and ſee the ſaid Appryſing duely lawfully and orderly led and deduced,& the Perſons& Members of Inqueſt received,ſworn and admitted to paſs thereupon, and to oppone and object thereagainſt, as accords of the Law; And I made Intimation and Certification to them as effeirs, this I did after the Form and Tenor of the ſaids within written Letters of Poynding and Appryſing in all points, whereof I affixt and left an juſt and authentick Copy with an Ticket or Schedule written on the back thereof, containing the hail effect Form and Tenor of my ſaid Execution, Searching, Seeking, Denunciation, Warning and Indorſation foreſaid, and day and place above-ſpecified, appointed by me for leading and deducing of the ſaid Appryſing upon the ground of the ſaids ſeveral Lands and others above denunced with the Pertinents,and at the ſaids reſpective Mercat Croſſes,and delivered an other to ilk an of the ſaids three Parties, upon the ſeveral days abovementioned (at the whilk Searching, Seeking, Denunciation and Warning was made by me in manner foreſaid) that none may pretend ignorance, before thir witneſſes *reſpective*, *viz.* to my ſaid Searching and ſeeking within the ſaid *A.B.* his Dwelling-houſe of —— and to my ſearching, ſeeking, Denunciation and Warning on the Ground of the ſaids Lands, and others foreſaids pertaining to him, *W. H.* in — *A. F.* and *M. G.* my Servitors, and to my ſaid ſearching and ſeeking within the ſaid *C. D.* his Dwelling-houſe of —— and to my ſaid ſearching, ſeeking, Denunciation, and Warning upon the Ground of the Lands, and others foreſaids pertaining to him *T. G.* and *W. P.* in —— and the ſaid *M. G.* my Servitor, and to my ſaid ſearching and ſeeking within the ſaid *I. B.* his Dwelling-houſe of —— and ſearching, ſeeking, Denunciation and Warning on the ground of the ſaids Lands and others pertaining to him, *P. W.* in —— *A. H.* and my ſaid Servitor, and to my ſaid Denunciation, and warning at the ſaids Mercat-Croſſes, *P. W. A. H.* and my ſaid Servitor, and to my ſaid Warning of the ſaid *A.B.* perſonally apprehended, the ſaid *W. H. A. F.* and my ſaid Servitor, and to my ſaid warning

ning of the ſaid *C. D.* perſonally, the ſaids *T. G. W. P.* and my ſaid Servitor, and to my ſaid Warning of the ſaid *I. B.* perſonally, the ſaids *P. W. A. H.* and my ſaid Servitor, and for the more Verification of this my Execution ſubſcribed with my hand, my Stamp is affixt.

If the Meſſenger forget to ſend a Warrand to an other Meſſenger to ſit Judge for him, it may be ſupplyed by inſerting the words following before —— *and for the more Verification* ——

And becauſe I cannot conveniently be preſent to ſit Judge in the ſaid Appryſing, the ſaid day and place, by reaſon of the remotneſs of place, and my other importent Affairs; Therefore I hereby Authorize and Impower —— *Meſſenger to ſit as Judge in the ſaid Appryſing, the ſaid day and place, and to elect and appoint the Members of the firſt and ſecond Courts, and take them ſworn* de fideli Adminiſtratione, *and to do all other things in the Adminiſtration of that Office, as I might do therein my ſelf if I were preſent.*

Claim of Appryſing.

GOod Men of Inqueiſt unto your Wiſdoms humbly ſheweth *W. G.* that where *A. B.* as Principal, and *C. D.* as Cautioner for him by their Bond dated the — day of —— here Inſert the narrative of the Letters of Appryſing, untill ye come to the Letter (&) (and then ſay,) whereupon I having meaned my ſelf to the Lords of Council and Seſſion, I obtained Letters of Poynding and Appryſing at my Inſtance againſt the ſaids Principal and Cautioners, and by vertue thereof cauſed *I H.* Meſſenger one of the Sherriffs in that part thereby lawfully conſtitute paſs upon the ---- dayes of —— years to and within the ſaid *A. B.* his Dwelling Houſe of — and the ſaid *C. D.* his Dwelling Houſe of — and the ſaid *I. B.* his Dwelling Houſe of--- where they with their Families had their actual Reſidence and Manſion for the time, and thereafter the ſame days he paſt to the ground of the Lands, and others after-ſpecified, *viz.* ---------- here Inſert the whole Execution, only whereas the Execution bears, I Searched, I Denunced — in the firſt perſon, ye muſt here in the Claim ſpeak of the Meſſenger in the third perſon, becauſe the Complainer ſpeaks in the Claim, and not the Meſſenger ---- as alſo, whereas the Execution bears to be Appryſed within the Tolbouth of *Edinburgh* the ----day of — In the Claim ye muſt ſay this preſent day and place, in the hour of Cauſe, and when ye come to theſe words, ---- and for the more Verification, leave of, and then ſay, as the ſaids Letters of Poynding and Appryſing, and Executions thereof, in themſelves more fully proport: Heretore I beſeech your Wiſdoms, that ye would Appryſe all and ſundry the foreſaids Lands, and others above-denunced with the Pertinents lying and pertaining as ſaid is, from the ſaids *A. B. C. D.* and *I. B.* their Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter to, and in favours of Me my Heirs and Aſſigneys for payment and ſatisfaction to me of the Sums of Money Principal, Annualrents, and Expenſes reſpective above-ſpecified, Extending at the Term of — laſt bypaſt to the Sum of —— and that as for the Principal, and of the Sherriff-fee effeirand thereto, due to the ſaid Meſſenger and his Collegues for Execution of their Office in the premiſſes, conform to the Act of Parliament, extending to the Sum of — *ſalvo juſto calculo*, in both the ſaids Sums, and that your Wiſdoms would ordain Me my Heirs and Aſſigneys to be Heretably Inteſt and Seaſed in all and ſundry the ſaids Lands and others above-denunced with the Pertinents, to be holden of the immediat lawfull Superiors thereof, ſicklike in the ſame manner and as freely in all reſpects, as the ſaids *A. B. C. D.* and

I. B. and their Predeceſſors and Authors held, hold, or might have holden the ſame, at any time before the ſaid Appryſing, after the form and tenor thereof, and Act of Parliament made anent Appryſing of Lands, and others for payment of Debts in all Points, and this I deſire your Wiſdoms to do under the moſt part of your Seals as uſe is, and your Wiſdoms Anſwer.

The Verdict of the Inqueiſt is written on the end of the Claim, in the Words following.

APud *Edinburgum,*—— die Menſis — Anno ---- *The whilk day, the hail perſons of Inqueiſt being all ſolemnly ſworn, received and admitted to paſs upon the ſaid Appryſing, and they being furth of Court, Removed and Re-entred therein again, having all heard, ſeen and conſidered the ſaid Purſuers Claim, with the hail Writs produced for inſtructing of the ſame, and being well and ripely adviſed therewith, all in one Voice, but Variance, by the Mouth of* M. T. G. *of —one of their Number, and Elected Nominat and Choſen by them Chancellor of the ſaid Inqueiſt appryſed and Appryſes affirmative, conform to the ſaid Claim and Inſtructions thereof, the Lands and others therein contained, from the ſaid A.B. C. D. and I.B. their Heirs and Succeſſors, and all others having or pretending to have intereſt in favours of the ſaid Purſuer and his foreſaids, for payment to them of the ſaids ſums, and Ordains them to be heretably infeft therein, to be holden in manner above-expreſt, (non compearing to object in the contrair) whereupon A.M. Writer in* Edinburgh, *as Procurator for the Purſuer, asked and took Inſtruments, and proteſted* contra omnes non comparentes, *and that Silence may be enjoyned to them for the future, which was admitted by the* Judge: *This muſt be ſubſcribed by the Chancellor.*

Acts of Court.

EDINBURGH, the — day of — 160 threeſcore — years,

The whilk day compeared *I. H.* Meſſenger, one of the Sheriffs in that part of the Sheriffdoms of — and Judge in the Appryſing under-written, ſpecially conſtitute, by vertue of the Letters of Poynding and Appryſing, purchaſed and raiſed at the inſtance of *W. G.* of ---againſt *A.B. C. D.* and *I.B. (H.)* containing Diſpenſation anent the place and time of Vacance, in manner therein expreſt, and elected and choiſt.

T. W. In Officer.
W. M. Indempſter.
I. M. In Clerk.

For the firſt Court of the ſaid Appryſing, who being ſolemnly ſworn, made Faith *de fideli Adminiſtratione* *G. D Notarius publicus aſſerit.*

And als Elected and Choiſed. *C. D.* Writter to his Majeſties Signet, Nottar publick in Clerk.
A. M. Meſſenger Incollig.
I. D. Indempſter.

For the ſecond Court of the ſaid Appryſing, who being alſo ſolemnly ſworn, made Faith de fideli Adminiſtratione. *I. M. Notarius publicus aſſerit.*

After ſencing of the whilk Courts, compeared perſonally *A. M.* Writer in *Edinburgh,* as Procurator for the ſaid Purſuer, conform to the Procuratory granted to him for that effect, dated the —— day of ---- years inſtant and

 produced

produced the Purſuers Claim with the Inſtructions thereof, and thereupon deſired Proceſs, and that the matter might be referred to the knowledge of an Inquieſt, and the ſaid *A. B. C. D.* and *I. B.* and all others having or pretending to have Intereſt, being called as uſe is, lawful time of day, bidden, and none compeiring to object, the Judge referred the matter to the knowledge of the Inqueiſt following, moſt worthy, leaſt ſuſpect, and who beſt know the verity of the matter, being all lawfully warned of before, They are to ſay,

Aſſiſa.

I. M. Writer in *Ediuburgh*	*A. B.* Writer there.
R. K. Writer there	*W. M.* of ——
T. M. Writer there.	*I. H* of ——
R. L. Writter there.	*I. F.* of ——
N. H. Writer there.	*I. S.* of ——

W. B. Writer in *Edinburgh.*
I R. Writer there.
G. M. of ——
P. A. Nottar publick in ——
I. G. Merchant Burgeſs of ——

The Verdict of the Inqueiſt.

THe hail perſons of Inqueſt reſpective above-named, being all ſolemnly ſworn, received, and admitted to paſs upon the ſaid Appryſing, and they being furth of Court, removed, and re-entering therein again, having all heard, ſeen and conſidered the ſaid Purſuers Claim, with the Inſtructions thereof, and being well and ripely adviſed therewith, all in one Voice, but Variance, by the Mouth of the ſaid *T. M.* one of their Number, and Elected, Nominat and Choſen by them, In Chancellor of the ſaid Inqueſt, appryſed and appryſes affirmative, conform to the Claim and Inſtructions thereof; and Ordains the ſaid Purſuer, his Heirs and Aſſigneys to be heretably Inſeſt, and Seated in the Lands and others therein-ſpecified, to be holden as is therein expreſt, none compearing to object in the contrair, whereupon the ſaid *A. M.* as Procurator foreſaid asked, and took Inſtruments, and proteſted *contra omnes non Comparentes*, and that ſilence might be enjoyned to them for the future, which the ſaid Judge admits, and interpones his Authority thereto.

T. M. Cancellarius.

Thir Acts of Court are ſubſcribed by the Chancellor, as alſo the ſecond Clerk, or Clerk of the ſecond Court, atteſts the Members of the firſt Court to be choſen and Sworn; and the Clerk of the firſt Court atteſts the Members of the ſecond Court to be choſen and Sworn, as is ſeen done in the Acts aforeſaid.

THe Method of leading the Appryſing, is thus, 1. the Judge goes in to the Tolbouth twixt 11. and 12, Hours, and ſitting down, the Procutor exhibits his Procuratorie with the Letters of Appryſing, Grounds thereof, and the Meſſengers Warrand, with the Executions; After which, the Judge creats the Members of both Courts, and takes them ſworn. 2. The Court is ſenced by the Officer. 3. The Parties are thrice called, and not appearing, the matter is referred to the Inqueiſt, who being ſworn by fives *de fideli adminiſtratione*: Then they choiſe one of their Number Chancellor, which goes by plurality of Votes, and ſo the Chancellor being thus Elected, the Procurator exhibits to the Inqueiſt the Claim, Letters of Appryſing, with the Grounds thereof, Executions and Warrand to inſtruct the Purſuers Claim, (then publickly read by the Clerk in their Audience) and the Chancellor diligently

ligently comparing all, as to Dates, Sums, Bonds,——— eſpecially the warning of the Party; That it be lawfully done with all the Solemnities, Requiſite and all being found clearlly done, and that the Claim is ſufficiently inſtructed, then the Chancellor declares ſo much to the Inqueſt, after which, all ſits till the Hour of 12 chap out, and then the Parties are called by the Colligue, with Certification the Inqueſt will appryſe, and none compearing to object, the Clerk calls their Names of new by fives, Inquiring, Appryſe or not, and all the 15 Perſons, or *major pars* appryſing *affirmative*, then the Judge cauſes thereafter the Colligue offer the Lands thrice at the Door to the Parties, or any in their Name, who will come and buy them for payment of the Sums for which they are Appryſed, with Certification the Lands will be Adjudged to pertain to the Purſuer; And none appearing, the Judge by vertue of his Office, and conform to the Act of Parliament does judicially Aſſign the Lands to the Procurator in the Purſuers Name, and Ordains the Purſuer to be Inſeſt, and it is to be remembred, that the Procurator takes Inſtruments. 1. Upon the Creation of the Members, and ſencing of the Court. 2. Upon the calling of the Parties, and their not appearing. 3. Upon the matter it's being referred to the Inqueſt, and their being ſworn. 4. Upon the Parties being called of new, and not appearing, and the Inqueſts Appryſing. And laſtly, upon the Offer of the Lands, and judicial Aſſignment; and then the Chancellor ſubſcribs the Acts of Court and Verdict on the end of the Claim.

Decreet of Appryſing.

Curia appretiationis Terrarum, aliorumque ſubtus ſcripſerit cum pertinentiam, tenta in Pretorio, ſeu nova Seſſionis domo, Burgi de Edinburgi, die menſis, ——— anno ſalutis humanæ milleſimo ſexcenteſimo, ---- coram diſcreto viro I. H. *nuncio vice-comite in hac parte, ſpecialiter conſtituto, ejuſque Collegiis ad Inſtantiam* W. G. *de ---- contra* A. B. C. D. *&* I. B. *virtute literarum Appretiationis & Nunciationis ſub Signeto Regio, ex Deliberatoine Dominorum Conſilii & Seſſionis, ad hunc effectum datum & directum Diſpenſationem tam penes locum, quam tempus vacantiorum ſi contigerit,) in ſe continen. modo* reſpective *ſubtus mentionat.*

Curia legittime affirmata.

TO all and ſundry whom it effeirs, to whoſe knowledge thir preſents ſhall come, I I. *H.* Meſſenger, Sheriff in that part, and Judge in the Decreet and Proceſs of Appryſing under-written, ſpecially conſtitute, Greeting foreſemeikle as our *Soveraign* Lord *Charles* by the Grace of God *King* of great *Britain*, *France*, and *Ireland*, Defender of the Faith; his Letters of Poynding and Appryſing after-ſpecified; given under his Highneſs Signet by Warrand and Deliverance of the Lords of Council and Seſſion, purchaſt, raiſed and execute at the Inſtance of the ſaid *W. G.* Purſuer againſt the ſaids *A. B. C. D.* and *I. B.* Defenders were direct to *I. H.* Meſſenger, Me or any other Meſſenger at Arms, and our Collegues one or moe conjunctly and ſeverally make and mention, that where, (here to Inſert the narrative of the Letters of Appryſing *verbatim*: from that where, till ye come to the Will calling the Complainer alwiſe Purſuer, and ſpeaking ſtill in the preterit time, and including thir words, as was aledged, and for the Will ye are to ſay *in lue* thereof,) Commanding and Charging therefore the the ſaid *I. H.* Meſſenger, Me or any other Meſſenger at Arms, and our Collegues one. or moe conjunctly and ſeverally to paſs, and in his Majeſties Name and Authoritie, Search, Seek, Fence, Arreſt, Appryſe, Compell, Poynd and Diſtren-

zie all and ſundry the ſaids *A. B. C. D*, and *I. B.* their readieſt Goods, Gear, — (here to Inſert the will of the Letters, till ye come to, *according to Juſtice*, only calling the Complainer Purſuer, and whereas the Letters ſay, that ye denunce — that ye Warn — in place thereof, to Say, to Denunce, to Warn —— in the Infinitive mood, and then ſay) By Vertue and at Command of the which Letters of Poynding and Appryſing above-written, the ſaid *I. H.* Meſſenger one of the Sheriffs in that part, thereby, lawfully conſtitute, paſt upon the —— dayes of — — years, to and within the ſaid *A. B.* his Dwelling-houſe of —— and the ſaid *C. D.* his Dwelling-houſe of — and the ſaid *I. B.* his Dwelling-houſe of---- where they with their Families had their actual Reſidence and Manſion for the time, and thereafter the ſame days he paſt to the Ground of all and ſundry, (here to inſert the Executions *de verbo in verbum*, with thir Alterations (*K.*) *Primo*, whereas the Executions ſpeaks in the Meſſengers Name thus. I Searched, I Denunced, I Warned--- in the Decreet, (ſince the Judge ſpeaks) ye muſt ſay, the ſaid *I. H.* ſearched, he Denunced, he Warned ---- in the third perſon always, and whereas the Executions bears to be appryſed before me, within the New Seſſion-houſe of *Edinburgh*, upon the — day of — you muſt ſay in the Decreet, To be Appryſed before the ſaid *I. H.* Meſſenger, or any other Meſſenger at Arms, and their Colligues, one or more, conjunctly and ſeverally, this preſent day and place, in the hour of Cauſe, and for the Words, *to compear before me*, ye are to ſay, to compear before the ſaid Meſſenger, Me, or any other Meſſenger at Arms, and our Colligues, one or more, conjunctly and ſeverally this preſent day and place, and when ye come to thir Words, of the Executions, and for the more Certification forbear them, and ſay: As the ſaids Letters of Poynding and Appryſing, and Executions thereof duely made, ſtamped and ſubſcribed by the ſaid *I. H.* as Meſſenger thereto, in themſelves more fully proports; And ſicklike, I the ſaid *I. H.* by vertue of the ſaids Letters of Poynding and Appryſing, and at command thereof, paſt upon the — day of — inſtant (the ſame being the day appointed for leading and deducing of the ſaid Appryſing, and in Name and Authority foreſaid, lawfully warned the hail Perſons of Inqueſt (6) *reſpective* after-named, all perſonally apprehended, and delivered to ilk one of them an juſt and authentick Copy of the ſaids Letters of Poynding and Appryſing, to compear before me and my Colligues, one or more, conjunctly and ſeverally, this preſent day and place, in the hour of Cauſe, by Diſpenſation above-written, to paſs upon the Inqueſt of the ſaid Appryſing, ilk perſon under the pain of fourty Pounds Money foreſaid, after the form and tenor of the ſaids Letters of Poynding and Apprſing in all Points; At and upon the which ---- day of —— inſtant, I the ſaid *I. H.* Meſſenger, Sheriff in that part foreſaid, and Judge in this preſent Appriſing, compeared perſonally within the new Seſſion-houſe of *Edinburgh*, and there by vertue of the ſaids Letters of Poynding and Aporyſing, cauſed fence, hold and continue Courts of the ſaid Appryſing, and creat all Members thereof requiſite and neceſſar. Likeas, I cauſed call therein the ſaid *A. B. C. D.* and *I. B.* Defenders, and all others having or pretending to have Intereſt in the ſaid matter, three ſeveral times at the Barr, and moſt patent Window of the ſaid New Seſſion-houſe of *Edinburgh*, to compear before me and my Colligues, one or moe, conjunctly and ſeverally, this preſent day and place, in the hour of Cauſe, be wertue of the Diſpenſation above-written, contained in the ſaids Letters of Poynding and Appryſing, and to hear and ſee the ſame duely, lawfully, and orderly led and deduced, and the perſons of Inqueſt under-named, received, ſworn, and admitted to paſs thereupon, and to oppone and object againſt the ſame, as accords of the Law, and made Intimation and Certification to them as effeirs. In the whilks Courts of the ſaid Appryſing, compeared perſonally *A. M.* Writer in *Edinburgh*

burgh as Procurator, lawfully conſtitute by the ſaid Purſuer, to the Effect after-ſpecified, conform to the Power and Letter of Procuratrie granted to him theranent, dated the — day of —— and asked and took Inſtruments upon the Inſtitution and Creation of the ſaids Courts of Appryſing, and of the Members thereof, and thereafter produced before me in Judgement the ſaid Purſuer his Claim, deſiring, that all and ſundry the foreſaids Lands, Teinds, and others above denunced to be Appryſed with the Pertinents, might be appryſed from the ſaid *A. B. C. D.* and *I. B.* their Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter, at the inſtance, and to, and in favours of the ſaid Purſuer, his Heirs and Aſſigneys whatſomever heretable, for Payment and Satisfaction to them of the Sums of Money Principal, Annualrents, Expenſes & Sheriff-fee *reſpective* above-ſpecified, therein contained extending in manner therein expreſt, and that they might be ordained to be heretablie Infeft and Seaſed thereintil, to be holden in manner under-written, in manner at length ſpecified, and contained in the ſaid Claim, and for Inſtruction and Verification thereof, the ſaid *A. M.* as Procurator foreſaid produced alſo therewith before me in Judgement, the Extract of the foreſaid Bond, granted by the ſaids *A. B.* and *C. D.* as Principal and Cautioner foreſaid, to the ſaid *G. D.* and Aſſignation thereof made by him to the ſaid Purſuer, with the foreſaid Decreet of Suſpenſion, and Act of Caution Regiſtrat (7) together with the foreſaids Letters of Poynding and Appryſing, Executions thereof, and Letter of Procuratorie above-mentioned, all of the Dates, Tenors, Contents, and Regiſtrations above-expreſt, and upon Production of the ſaids Writs, only neceſſar to have been produced in the ſaid Appryſing, for Verification of the ſaid Claim; The ſaid *A. M.* as Procurator foreſaid asked, and took Inſtruments, and the ſaid *A. B. C. D.* and *I. B.* Defenders, and all others having or pretending to have Intereſt in the ſaid Matter, being all lawfully warned of before, in manner and to the effect foreſaid, and none compeiring to object againſt the ſaid Appryſing, the ſaid Procurator alſo thereupon asked and took Inſtruments, and deſired Proceſs thereupon (8) and that the matter might be referred to the knowledge of an Inqueſt; and likewiſe proteſted *contra omnes non comparentes*, and that Silence might be enjoyned to them for the future. Whilk Proteſtation I admitted, and hereby admit and ſua proceeding in the Proceſs, the Rights, Reaſons and Allegations of the ſaid Purſuer, his ſaid Claim being by me at length heard, ſeen and conſidered, and therewith being well and ripely adviſed, referred the ſaid matter to the knowledge of the Inqueſt of the Perſons after-named, moſt worthie, leaſt ſuſpect, and who beſt know the veritie of the ſaid matter, being all lawfully warned of before, to that effect in manner above-expreſt; They are to ſay, (here to Inſert the Names and Deſignations of the fifteen Perſons of Inqueſt, as they are ſet down in the Acts of Court) Whilks Perſons of Inqueſt being all ſolemnly Sworn, Received and Admitted to paſs upon the ſaid Appryſing, and they being furth of Court, removed and re-entering therein again, having all heard, ſeen and conſidered the ſaid Purſuers Claim, with the hail Writes and Verifications thereof aboveſpcified, produced for Inſtructing of the ſame, and they therewith being well and ripely adviſed all in one Voice, but variance, by the mouth of the ſaid *T. M.* an of their number elected, nominat and choſen by them in Chancellor of the ſaid Inqueſt (none Compear and to Object in the contrair) Appryſed and Appryſes *Affirmative* from the ſaids *A. B. C. D.* and *I. B.* (9) their Heirs and Succeſſors, and all others having, or pretending to have Intereſt in the ſaid matter, at the Inſtance, and to, and in favours of the ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretably, all and hail, (here to Inſert all in the Executions of the Appryſing, from the word *DENUNCED* in text Letters till ye come to the word to be *BE APPRYSED* in text Letters, only in caſe the Denunciation bear the bounding of Tenements Aikers or the like, ye may

forbear to Inſert the Bounding at length, and in lue thereof ſay, lyand and bounded in manner foreſaid) for payment to them of the ſaids Sums extending as ſaid is, Upon the whilk Appryſing and Deliverance thereof above-written, the ſaid *A. M.* as Procurator foreſaid asked Act of Court and Inſtruments, and immediatly thereafter, I the ſaid *I. H.* Meſſenger as Judge and Sheriff in that part foreſaid, 10. did interpone, and by thir preſents interpons my Decreet, and Authority to the foreſaid Appryſing, and Deliverance thereof above-ſpecified, Likeas I cauſed *A. M.* Meſſenger my Collegue therein lawfully offer, three ſeveral times at the Bar, and moſt patent Window of the ſaid new Seſſion-houſe of *Edinburgh*, to the ſaids *A. B. C. D.* and *I. B.* or any others in their Name who would compear, and buy and accept all and ſundry the Lands, Teinds and others particularly and generally above-appryſed with the Pertinents for payment and ſatisfaction to the ſaid Purſuer of the ſums of Money Principal, Annualrents, Expenſes and Sheriff-fee reſpective above ſpecified, for the Whilks the ſame are Appryſed in manner foreſaid, extending as ſaid is, but none compe red for that effect, Therefore (and als in reſpect the ſaid purſuer and others in his Name have made payment to me of the ſaid Sheriff-fee of —— ——— Whereof I grant the Receipt, holds me well content, ſatisfied and payed, and Renunces all Exceptious in the contrair, and Diſcharges him thereof for ever,) I have made Conſtitute and Ordained, and by thir preſents, make, conſtitute, and ordain the ſaid Purſuer and his foreſaids, my undoubted Ceſſioners and Aſſigneys, in and to the foreſaid Sheriff-fee, and all Action competent thereupon for ever; And ſicklike I the ſaid *I. H* Meſſenger, as Judge and Sheriff in that part foreſaid, by vertue of my Office, conform to the Act of Parliament, and power thereby comitted to me, have Judicially Sold, Aſſigned, Transferred and Diſponed, And, by thir preſents judicially Sell, Aſſign, Tranſ'er, and Diſpone, to the ſaids *A. B. C. D.* and *I. B.* their Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter, to and in favours of the ſaid Purſuer, and his foreſaids heretably: All and ſundry the foreſaids Towns, Lands, Milns, Woods, Fiſhings, Yards, Orchards, Teinds, and others *reſpective*, particularly and generally above-denunced, & Appryſed, with the Pertinents lyand and pertaining as ſaid is, and als Aſſigns and Diſpones to them the hail Mails, Ferms, Kains, Cuſtoms, Caſualities, Profits, and Duties thereof, of this inſtant Cropt, and year of God, 16 —— years, and yearly, and termly in time coming, together with the foreſaids Bonds obligations, Aſſignations, Tranſlations, Diſpoſitions, Contracts, Regiſtrations, Inſeſtments, prior Appprypſings, Adjudications, Reverſions. Legal, and Conventional, and others, Writes, Evidents, Rights, Titles and Securities *reſpective* particularly and generally above-appryſed, and I have ordained, and by thir preſents ordain the undoubted Right of the hail Premiſſes to appertain to the ſaid Purſuer, and his foreſaids in all time coming. And and ſicklike I ordain the ſaid Purſuer, and his foreſaids to be Heretably Inſeſt and Seaſed in all and ſundry the foreſaids Lands, Milns, Woods, Fiſhings, Yards, Orchards, Teinds, and others reſpective, particularly and generally above-denunced and Appryſed with the Pertinents lyand, as ſaid is, to be holden, and for to hold the ſame Lands and others above-appryſed with the Pertinents lyand as ſaid is, to the ſaid Purſuer and his foreſaids, of our Soveraign Lord the Kings moſt excellent Majeſtie, or of —— (here to Inſert the remanent Superiors (if any be) of whom they may be ſuppoſed to hold, and then for the more ſecurity ſay) or of any others, the immediat lawfull Superiors of the ſamen, and their Succeſſors, ſicklike in the ſame manner, and als freely (11.) in all reſpects, as the ſaid *A. B. C. D.* and *I. B.* or an, or other of them, or their Predeceſſors and Authors, Held, Hold, or might have Holden the ſamen themſelves, at any time before the ſaid Appryſing, after the Form and Tenor thereof, and Act of Parliament made anent Appryſing of

Lands

Lands, and others for Debts in all Points; *With full Power*, to the ſaid Purſuer and his foreſaids, to intromet with, Uplift, Ask, Crave and Receive, the foreſaids Mails, Ferms, Caynes, Cuſtoms, Caſualities, Profits and Duties of the ſaid Cropt 16 ----years, and yearly and termly in time-coming during the not Redemption, and to uſe and diſpone thereupon at their pleaſure; and it need beis, to call, follow, charge and purſue therefore, before whatſoever Judge or Judges competent as accords, and to Ocupy and Poſſeis the ſaids Lands and others foreſaids with their own proper Goods, or ſet the ſame to Tennents, as they ſhall think expedient, and to Remove, Output and In-put Tennents therein yearly at their pleaſure, and to Redeem, Louſe and Out-quite the ſame of all Wadſets, Annualrents, prior Appryſings, Adjudications, and other real *B*urdens and Incumbrances being thereupon, and wherewith the ſame ſtands any ways really affected, and to uſe Premonition and Warning thereanent, and to Proſecute, follow forth, and purſue the hail Order of Redemption of the Law requiſite for that effect, Decreets of Declarator removing Mails and Duties, and others neceſſar in the Premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, Compone, Tranſact and agree thereanent, and upon Receipt and Payment of the ſaid Sums and others foreſaid, in hail or in part Acquitances and Diſcharges, to make grant ſubſcrive and deliver, with ample Renunciations, and grants of *R*edemption, Whilks ſhall be ſufficient to the Receivers, and generally all and ſundry other things anent the Premiſſes, to do, uſe and exerce ſicklike in the ſame manner, and als freely in all reſpects, as the ſaid *A. B. C. D.* and *I. B.* might have done therein themſelves at any time before the ſaid Appryſing, after the Form and Tenor thereof, and Act of Parliament made anent Appryſing of Lands and other for Debts, in all Points; And this to all and ſundrie whom it effeirs. I notifie and make known by thir preſents, *In Witneſs whereof*, to this preſent Proceis and Decreet of Appryſing above-written (Writen by *I. G.* Servitor to *G. D.* writer to his Majeſties Signet, Nottar publick, and ſubſcribed by the ſaid *G.D.* as Clerk thereto, and als by me the ſaid *I. H.* Meſſenger, as Judge & Sheriff in that part foreſaid) my Stampt, together with the Seals of the moſt part of the forenamed perſons of Inqueſt, who paſt upon the ſaid Appryſing are affixt, day, month, year of God and place, *reſpective* above-ſpecified.

This Decreet of Appryſing being allowed within threeſcore days after Leading, conform to the Act of Parliament: The next thing to be conſidered, and adverted to, Is, whether the Lands appryſed hold of the King or of a Subject. 2. If of the King, then whether Burgadge (as Tenements within Burgh, or the like) or if otherways as Ward Bench or Feu. And ſo concluding the Lands to hold of the King, and yet not Burgadge, there muſt Infeftment paſs the whole Seals, by way of Signator and Compoſition in Exchequer, becauſe the Signator is the firſt Stept; the Tenor thereof follows.

Signatur of Appryſing.

OUr Soverain Lord, with the ſpecial Advice and Conſent of His Majeſties right Truſtie, and well beloved Couſin and familiar Counſellor, *I. E.* or *R. L. L.* and *B.* Lord High Theſaurer, Comptroller, and Collector-general of His Majeſties Rents, and new Augmentations, within this his Ancient Kingdom of *Scotland*; And als with Conſent of *W. L. B.* of *B.* his Majeſties Theſaurer-Deput: In all the ſaids Offices, and ſicklike with conſent of the remanent Lords of his Highneſs Exchequer of the ſaid Kingdom,

his Majeſties Commiſſioners. *Ordains* a Charter and Infeſtment to be made and paſt under his Majeſties Great-Seal of the ſaid Kingdom, in due and competent form: givand, grantand and diſponand, and for his Highneſs and his Succeſſors perpetually confirmand: Likeas, his Majeſty with Conſent foreſaid by thir preſents, gives grants, and diſpons; and for his Highneſs and Succeſſors perpetually confirms to *W. G.* of —— his Heirs and Aſſigneys whatſoever heretably: *All and Hail* the Lands of —— (here to inſert the Lands holden of the King, as they are in the Allowance of the Appryſing, and then ſay) with the Teind-ſhaves, and other Teinds both great and ſmall, als well Parſonage as Viccarage of the ſaids Lands and others foreſaids. *Whilks* Lands, Teinds and others above-ſpecified, with the Pertinents lyand in manner foreſaid, pertained heretably of before to *A. B. C. D.* and *I. B.* and were with certain Reverſions and other Writes and Evidents in a Court of Appryſing holden within the New Seſſion-houſe of *Edinburgh*, before I. *H.* Meſſenger and his Colligues, upon the — day of — 16 — — years, duely and lawfully appryſed from them their Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter, at the inſtance, and to and in favours of the ſaid *W. G.* his Heirs and Aſſigneys, for payment and ſatisfaction to them of the Sums of Money Principal, Annualrents and Expenſes reſpective ſpecified in the Decreet and Proceſs of Appryſing led and deduced thereanent, extending to the Sum of —— *ſcots* Money, and that as for the Principal, and of the Sheriff-fee effeirand thereto, extending to the Sum of — Money foreſaid *ſalvo juſto calculo* in both the ſaids Sums, as the ſaid Decreet of the Date foreſaid, ſeen and allowed by the Lords of Council and Seſſion, and by them found orderly proceeded, in manner written on the back thereof, upon the —— day of — ordaining the foreſaid Infeſtment to be paſt and exped thereupon, by way of Signatour, and compoſition in Exchequer, in it ſelf more fully proports: *And his Majeſty* wills and grants, and for his Highneſs and his Succeſſors, with Conſent foreſaid, Decerns and Ordains, that an Seaſin to be taken by the ſaid *W. G.* and his foreſaids, now and in all time coming, at the Manner-Place, or Dwelling-houſe of — or upon the Ground of any other Part or Portion of the ſaids Lands, and others above Appryſed, with the Pertinents, Is, and ſhall be als ſufficient to them for the hail foreſaids Lands, Teinds, and others above ſpecified, as if one particular Seaſin were taken by them upon ilk part and portion thereof, albeit the ſame be not ſua done; and notwithſtanding the Lands ly diſcontigue, and within diverſe Sheriffdoms, whereanent, and with all that may follow thereupon, or that can be any ways opponed or objected againſt the ſame; His *Majeſty* has diſpenſed, and by thir preſents for him and his *Succeſſors*, with Conſent foreſaid diſpenſes for ever. *To be holden and for to hold*, all and ſundry the foreſaids Lands, Teinds, Manner, Places, Milns, Woods, Fiſhings, and others *reſpective*, particularly and generally above appryſed, with the pertinents, Lyand, as ſaid is, to the ſaid *W. G.* his Heirs and Aſſigneys whatſoever heretably *of his Majeſty*, and his Succeſſors in Fee and Heretage for ever, by all Rights, Meiths, & Marches of the ſamen, *Old* and deviſed as the ſamen lyes in Length and Breadth, in Houſes, Biggings, &c. Moſſes, Muirs, &c. Milns, Multurs, &c. Haulking, Hunting, &c. Coals, Coal-heughs, &c. Doves, Dove-coats, &c. Cunnings, Cuningares, &c. Ale-houſe, Brew-houſes, &c. Court, Plent, &c. with free Iſh and Entrie, &c. and generally with all and ſundrie other Liberties, &c. freely and quietly, &c. but any Revocation, &c. *Giveand* therefore yearly the ſaid *W. G* and his foreſaids to his Majeſty, and his Succeſſors, the Feu-duties, and other Duties, Rights and Services, (if any be) due and payable to them forth of the ſaids Lands, Teinds, and others foreſaids, and contained in the Original Infeſtments of the ſame, at any time before the ſaid Appryſing, for all other Burding, Exaction, &c. and under Reverſion always conform to the Act of Par-

Parliament, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in due and competent Form as effeirs. *Given at*

This Signator *being preſented by the perſon appointed for that Office (marked on the back, with the Writers Superſcription) to the Exchequer, it is componed for ten Merks for each* 1000 *Merks of the firſt* 10000 *Merks, and five Merks for each* 1000 *Merks more contained in the Appryſing (being a firſt Compryſing) and being a ſecond, third, and ſo forth for the half.* viz. *Five Merk for each Thouſand, after which Compoſition, the Preſenter gives it out to the Writer, and marks it preſented on the back by himſelf to the Exchequer, and ſubſcrives, and thereafter the Writer goes to the perſon Keeper of the Theſaurers Regiſter, who receives and regiſtrats the ſame* Verbatim, *(albeit not requiſite) ſince a ſhort Compond thus: A Signatur of Appryſing of the Lands of ——— and others in favours of ——— paſt the ——— day of ——— years, and componed for ——— pounds* ſcots *Money, to comptrol the Theſaurer, and his Deputs, at the ſiting of their Accompts is ſufficient; But to proceed, this Signator according to the Cuſtom being regiſtrat, the next thing is to write the Precept thereon, whereof the Tenor follows.*

Nota, *The Caſhet muſt be had thereto.*

Preceptum ſupra Signaturam, appretiationis.

CAROLUS *Dei gratia, magnæ* Britaniæ, Franciæ *&* Hiberniæ *Rex fideique Defenſor, prodelecto noſtro conſanguineo & conſiliario* Wilielmo *Comiti de* M. *domino de* K. *& alteri, noſtri ſecreti ſigilli cuſtodi* Salutem, Quia *nos cum ſpeciali aviſamento & conſenſu prædilecti noſtri conſanguinii & conſiliarii* I. *Comiti de -- domini de ---- Principalis Theſaurarii, noſtrorum computorum, Rotulatoris & collectoris generalis noſtrarum firmarum novarumq; augmentationum infra regnum noſtrum* Scotiæ, *Ac etiam cum ſpeciali aviſamento, & conſenſu prædilecti noſtri Conſiliarii* Wilielmi *Domini de* B. *noſtri Theſaurarii deputati in dictis officiis, infra dictum regnum noſtrum, nec non cum aviſamento & conſenſu reliquorum dominorum noſtri Scaccarii dicti Regni noſtrorum Commiſſioniorum* Dedimus, *conceſſimus, depoſuimus & pro nobis & ſucceſſoribus noſtris, cum conſenſu antedicto, pro perpetuo confirmavimus, ſicuti nos per preſentes damus concedimus, diſponimus proq; nobis & ſucceſſoribus noſtris cum conſenſu antedicto in perpetuum confirmamus.* Dilecto noſtro — W. G. *de ——— ejuſque hæredibus, & aſſignatis quibuscunque hædreditarie,* Totas & Integras *terras de ——— (hic inſere terras ut in ſignatura) una cum decimis garbalibus aliiſque decimis tam rectoriis quam viccariis, tam magnis quam minutis omnium & ſingularum predict. terrarum, aliorumque ſupra ſcript cum pertinen.* Quæquidem, *terræ decimæ aliaque ſupra mentionata cum pertinentiis jacen ut prefertur perprius hæreditarie pertinerint ad* A. B C. D. *&* I B. *& cum certis reverſionibus, aliiſque juribus & ſecuritatibus in curia appretiations in pretorio ſeu nova Seſſionis domo de* Edinburgo, *tenta coram* I. H. *nuntio, vice comite in hac parte, ejuſque collegiis ——— die menſis ---- anno domini milleſimo ſexcenteſimo ſexageſimo ----- a prefatis* A. B. C. D. *&* J B. *eorum hæredibus & ſucceſſoribus, omnibuſque aliis jus haben. vel preten ad inſtantiam* W. G. *de ———, legitime appretiatæ fuerunt pro ſolutione ei ſummarum Monetæ principalis annuorum reddituum, & expenſarum reſpective in decreto & proceſſu, appretiationis id circa deducto content, extenden ad ſummam ---- Monetæ* Scotiæ *& hoc tanquam pro principali & vice comitis foedi ad eandem correſpondentis extenden ad ſummam ---- Monetæ antedictæ ſalvo juſto calculo, indictis ambabis ſummis, ut dictum decretum*

& proceſſus appretiationis viſum & approbatum per dominos Concilii & ſeſſionis perque eos legitime proceſſum repertum modo in dorſum ejuſdem ſcripto —— die Menſis Ordinans hoc noſtrum infeofamentum via ſignaturæ, & compoſitionis noſtro Scaccario, deſuper ſequi latius proportat. Ac nos Volumus & Concedimus, *proque nobis & ſucceſſoribus noſtris cum conſenſu antedicto; decernimus & ordinamus quod Saſina nunc & omni tempore affuturo per dictum* W. G. *ejuſque antedictos apud maneri-ei locum, ſeu Manſionem de —— vel ſuper ſolo alicujus partis & & portionis predictarum terrarum aliorumque ſupra-appretiat cum pertinen. capienda, eſt & erit tam valida & ſufficiens iis pro omnibus & ſingulis predictis terris decimis aliiſque ſura ſpecificatis cum pertinen, ac ſi particularis ſaſina per eos ſuper unaquaque parte earundem ſuſcepta fuiſſet. Quamvis non ita factum, ſit non abſtante quod jacent diſcontigue &c. & in diverſis vice-comitatibus. Quocirca & cum omnibuſque deſuper ſequi, vel in contrarium objici poterint, Nos cum conſenſu antedicto diſpenſavimus proque nobis noſtriſque ſucceſſoribus in perpetuum diſpenſamus.* Tenendas & Habendas, *omnes & ſingulas predictas terras decimas maneri-ei loca Molendina nemora piſcationes, aliaque reſpective particulariter & generaliter ſupra appretiat cum pertinentiis jacen. ut predicitur. Memorato* W. G. *ejuſque hæredibus & aſſignatis ſupra ſcriptis hæreditarie* De Nobis *& ſucceſſoribus noſtris in feodo & hæreditate in perpetuum per omnes rectas ſuas metas antiquas & diviſas prout jacent in longitudine & latitudine. In domibus Ædeficiis &c. moris m-arreſiis &c. piſcationibus &c. molendinis multuris & eorum ſequelis &c. auccupationibus venationibus &c. petariis turbariis &c. carbonibus carbonariis cuniculis cunicularíis, columbis columbariis &c. cum curiis & earum exitibus &c. liberoque introitu & exitu &c. ac cum omnibus & ſingulis aliis libertatibus &c. libere quiete &c. abſque ulla revocatione &c.* Reddendo, *inde annuatim præfatus* W. G. *ejuſque antedicti. Nobis & ſucceſſoribus noſtris feudifirme firmas albe firmæ firmas aliaſque divorias jura & ſervitia (ſiquæ ſint) in originalibus infeofamentis earum contentas & ex predictis terris aliiſque ſupraſcriptis cum pertinen. nobis debitas & ſolutas ante dictam appretiationem pro omni alio onere &c. ſub reverſione tamen modo, in Acto Parliamenti contento.* Vobis *igitur precipimus, & firmiter mandamus quatenus præſtt m noſtrum ſub dicto noſtro ſecreto Sigillo pro carta noſtra noſtro ſub magno Sigillo in debita forma ſuper, præmiſſis conficienda Cancellario noſtro in forma capellæ noſtræ debite dirigatis.* Datum *ſub Signeto noſtro apud* Edinburgum---- *die menſis---- anno domini milleſimo ſexcenteſimo ſexageſimo ---- regnique noſtri anno ——*

Per Signaturam *Signo Manus*, S.D. N. *Regis ſupra ſignatam Manibuſque Theſaurarii principalis & deputati & quorundam Dominorum aliorumq; ſui Scaccarii ejuſq; Commiſſionariorum ſubſcriptorum.*

Nota, *All precepts and what elſe paſs the Privy Seal, are Regiſtrat there, and an Extract furth thereof bears Faith by Act of Parliament.*

The next Thing *to be known, is, how to paſs the Seal with this Infeftment, or the like, which is to be done in the Method following.* Primo, *This Precept being ſubſcribed by the Writer to the Signet, and Walxed, ye go therewith to the Signet-Office, where the Keeper collationing both Signator and Precept, and finding them one and the ſame, and truely tranſlated, ſeals the Precept, and delivering it back to the Writer, or his Servant Keeps and retains the Signatur for his Warrand.* Secundo, *ye go with the Precept thus Signet to the Writer to the Privy Seal, or his Deput, who upon ſight thereof writes out another Precept* de verbo in verbum, *only he directs his Precept to the Chancellour for expeding a Charter thereupon under the*

the great Seal, and ſubſcribes this ſecond Precept on the back, thus written to the Privy Seal the ——— day of ——— by me ———. And *both Precepts being delivered back to you, ye go therewith to the Lord Privy Seal, or his Deput, who attends the Diſcharge of that Office: and he upon ſight of the Precept, under the Signet, appends the Privy Seal to the other Precept, direct to the Chancellor, and delivers the ſame ſo Sealed to you, and keeps that under the Signet for his Warrand. 3. Ye go with this Precept under the Privy Seal, to the Director of the Chancellarie, or his Deput who incontinent, write out a Charter thereupon, and Subſcribe the ſame on the Back, thus written to the Great Seal, by me, ——— Director of the Chancellarie, which Charter and Precept, under the Privy Seal, being delivered to you, ye go therewith to the Keeper of the Great Seal, or Chancellors Deput, who upon ſight of the ſaid Precept, appends the Great Seal thereto, and upon the back thereof, Writes thus Sealed, the ——— day of ——— 16 ——— years, and ſets down the Rate, as the other Seals do; and delivering you the Charter ſo ſealed, keeps the Precept aforeſaid for his Warrand. 4. The Charter being thus ſealed, ye return therewith to the Chancellary, where the Director or his Deput marks, the ſame only on the back, Regiſtrat without any Superſcription, for all Charters are Regiſtrat at the Great Seal, and for Diſpatch, the Writer gives them a full and perfect Coppy, whereas, otherways the Charter behooved, to be Regiſtrat, before giving out which would retard the Client.* Laſtly, *The Director, or his Deput give out alſo with the Charter, a Precept under the Teſtimony of the Great Seal, otherways called the Quarter Seal direct to a Sheriff, or Bailie in that part, for giving Seaſin to the Appryſer of the Lands, and others contained in the Charter, and this Precept being preſented to any Nottar, he gives Seaſin, as follows.*

Nota, *As this was the Cuſtom when thir Stils were written, ſo before Printing, they alter in thir two Points. 1. No Precepts upon Charters, paſs now the Quarter Seal, but inſert in the end of the Charter. 2. The Charters are regiſtrat before they go to the Great Seal; and ſo appointed by Act of Parliament, and good for the Leidges.*

Saſina.

IN Dei Nomine, Amen. *Per hoc preſens,* Publicum *inſtrumentum cunctis pateat evidenter, & ſit notum quod anno Incarnationis Dominicæ, milleſimo ſexcenteſimo ſexageſimo ——— Menſis vero ——— die ——— Regniq; excellentiſſimi & ſereniſſimi principis* Caroli *ſecundi, Dei gratia, magnæ Britanniæ, Franciæ & Hiberniæ Regis, Fideiq; Defenſoris, anno ———* In Mei Notarii, *publici & teſtium ſubſcriptorum. 4. Preſentia perſonaliter. 6. Comparuit. honorablis vir* W. G. *de ——— in cujus favorem preceptum Saſinæ ſubtus ſcript. factum & conceſſum eſt modo ſubtus mentionato, & acceſſit cum diſcreto & honeſto viro,* I. K. *de ——— Vice-comite, Vice-comitatus de ———* reſpective *in hac parte, ſubtus ſpecificato ſpecialiter conſtituto ad manere-ei-locum de ——— Secundum tenorem in feofamenti ſubtus ſcript, & virtute diſpenſationis inibi contentæ,* Habens, *& in ſuis manibus, tenens quoddam preceptum Saſinæ e cancellaria memorati.* S. D. N. *regis ſub teſtimonio ſui magni Sigilli, prenominato,* I. K. *tanquam vice-comiti antedicto, directum ut dictum honorabilem virum,* W. G. *in totis & integris terris decimis manerierum locis, domibus, ædificiis, molendinis, piſcationibus aliiſque ſubtus-mentionatis jacen. pertinen. & appretiat modo ſubtus ſcripto in-ſio daret.* Quodquidem *Saſinæ preceptum, ſubinſertum dictus* W. G. *exhibuit, & preſentavit denominato,* I. K. *tanquam vice-comiti in hac parte per eidem, legittime conſtituto*

ſtituto, eundem *requirens quatenus ad executionem ejusdem ſaſinæ precepti & officii vice-comitatis in hac parte, ſibi conceſſi, debite procederet.* Quiquidem *vice-comes, ſciens & percipiens dictam requiſitionem & deſiderium fore juſtam, rationique conſonantem dictum ſaſinæ preceptum ſubinſertum manibus ſuis, omni qua decuit reverentia accepit, mihique notario publico ſubſcripto per-legendum, publicandum & aſtantibus exponendum, tradidit & deliberavit,* Cujus *Saſinæ precepti, Tenor ſequitur, & eſt talis* Carolus, *Dei gratia* ——— *(hic inſere preceptum, verbatum & poſtea verba in dorſum ejuſdem ſcript unacum ſubſcriptione directoris vel ejus deputati ſub hac forma ſic ſubſcribitur* J. Ker poſt cujusquidem *ſaſinæ precepti, perlectionem publicationem, & in vulgari aſtantibus, explanationem preſatus diſcretus, vir.* I. K. *tanquam vice-comes antedictus, ſecundum tenorem hujusmodi & virtute ejus officii vice-comitis ſibi in hac parte, commiſſi ſtatum ſaſinam hereditariam pariter & poſſeſſionem actualem corporalem & realem, totarum & integrarum, predictarum, terrarum, manerierum, locorum, domorum, ædificiorum, piſcationum, molendinorum, multurarum, hortorum, pomariorum, decimarum, aliarumque reſpective particulariter & generaliter ſupra ſcript cum pertinen. jacen ut prefertur prenominato,* W. G. *perſonaliter preſenti & acceptanti per terræ & lapidis fundi predictarum terrarum lie clapp & happer dicti molendini, necnon manipuli granarii & retis piſcationum, apud dictum manere-ei-locum de ——— virtute dictæ diſpenſationis, traditionem & deliberationem ut moris eſt dedit, tradidit, pariterque deliverabit (nemine opponente, nec in contrarium contradicente)* Super Quibus, *omnibus & ſingulis premiſſis dictus* W. G. *unum vel plura inſtrumentum ſeu inſtrumenta a me notario publico ſubſcribente ſibi fieri petiit* acta erant *hæc apud dictum manrei locum de horas inter ——— merediem die, menſe, anno, annoque regni, reſpective ſupra mentionatis,* Preſentibus *diſcretis & honeſtis viris,* I. G. *de* ——— A. B. *de* ——— A. G. *de* ——— I. I. *incola in* ——— W. P. *dicti,* W. G. *ſervitore, &* I. T. *meo ſervitore, cum diverſis aliis teſtibus, ad premiſſa ſpecialiter rogatis & requiſitis.*

To all Saſins, *there would be four Witneſſes, if poſſibly there can be ſo many had; but if not three will be ſufficient with the Notar, nor is it to be forgot, that all Seaſins (except of* Burgadge *Lands, which needs no Regiſtration at all) muſt be regiſtrat within threeſcore days, after paſſing thereof, conform to the Act of* Parliament.

Nota, *Albeit, when thir Stiles were written, the Witneſſes were only inſert, I mean, Names, Sirnames and Deſignations, yet now be Act of* Parliament, *they, (als well as the Notar) muſt ſubſcribe and ſo if the Seaſin be loſt, it is difficult to make up a* Principal, *if the Witneſſes be dead, albeit the Notar be alive, and therefore when the Subject matter is of Import, take out two principal Seaſins, and regiſtrat them* in majorem tutelam ; *becauſe of this alteration, add now at the* 4. *figure,* nec non ſubſcribentium, *and farder when the King grants a Diſpenſation, it is thought, the Delivery of Earth and Stone, is ſufficient without neceſſity of any other* Symbole.

The next thing to be Conſidered, is, *But what if the Lands, or at leaſt ſome of them hold of the King Burgadge, and others of other Superiors Subjects, how then ſhall the Appryſer be infeft, the uſual way is to raiſe Horning againſt the Magiſtrats of the Burgh, within the which the Burgadge Lands ly, to infeft in them, and againſt the other Superior to do the like, as to the Lands holding of them, and for brevities cauſe, to inſert all of them in one Horning, in the form following.*

Horning

Horning againſt the Superiors *being Subjects, and the Magiſtrats of Burrows, as to what Lands and others, either holden of them, or of the King,* in Libero Burgagio.

CHARLES *&c. To &c.* Meſſengers *&c.* ſorſameikle as it is humbly meant and ſhown to us by *W. G.* of —— that where by Decreet and Proceſs of Appryſing led and deduced within the New *Seſſion* houſe of *Edinburgh*, before *I. H.* Meſſenger, Judge and Sheriff in that part, and his Collegues upon the — day of — — years, the ſaid Complainer obtained lawfully, appryſed to him, his Heirs and Aſſigneys, whatſomever heretably frae *A. B. C. D.* and *I. B.* their Heirs and ſucceſſors, and all others having or pretending to have Intereſt in the ſaid matter; all and hail, the Lands of —— (here inſert the Lands holden of the King, Burgadge, and the Lands holden of the Superior.) Together with the Teinds, Sheaves, and other Teinds both great and ſmall, as well Parſonage as Viccarage, of the ſaids Lands and others foreſaids, together alſo with certain Reverſions, and other Writs and Evidents particularly and generally ſpecified and contained in the ſaid Decreet, and Proceſs of Appryſing, for payment and ſatisfaction to the ſaid Complainer of the Sums of Money Principal, Annualrents and Expenſes therein contained, extending in manner therein-expreſt, and of the Sheriff-fee effeirand thereto, extending alſo in manner therein-ſpecified, *ſalvo juſto calculo*, as the ſaid Decreet and Proceſs of Appryſing of the date foreſaid, ſeen and allowed by the Lords of Council and Seſſion, and by them found orderly proceeded in manner written upon the back thereof, upon the — day of — ordaining the ſaid Complainer to be heretably infeft in the ſaids Lands, Tenements, and others above appryſed: with the Pertinents to be holden, in manner underwritten, and thir our Letters to be direct for that effect, againſt the Superior, and other perſons after-named, in manner after-expreſt, ſhown to the ſaids Lords, has teſtified, nevertheleſs, the ſaids perſons wrongouſly refuſe to infeft him, and his foreſaids therein, without they be compelled. as is alledged. *Our Willis Herefore*, and We charge you ſtraitly, and command, that incontinent, thir Our Letters ſeen, ye paſs, and in Our Name and Authority, command and charge the Provoſt and Bailies, of Our Burgh of —— preſent or to come, within whoſe Juriſdiction, the foreſaids — with the Pertinents ly — to Infeft and Seaſe the ſaid Complainer and his foreſaids therein, and ſicklike command and charge *W. P.* of —— *I. E.* of and *G. D.* of perſonally, or at their Dwelling-places, to Infeft and Seaſe the ſaid Complainer and his foreſaids, in the remanent Lands, Milns, Woods, Fiſhings, Maner places, Teinds, and others above-appryſed with the Pertinents, ilk ane of them for their own Parts; in ſo far, as they are immediat lawful Superiors to be holden, in manner following, *viz.* the foreſaids Tenements, and others lyand within the ſaid Burgh of ——, and Territory of the ſame to be holden of us, our Heirs and Succeſſors in free Burgadge, for ſervice of Burgh uſed, and wont, and the remanent Lands, Teinds, Fiſhings, and others above-appryſed, with the Pertinents, to be holden of the ſaid *W. P. I. E.* of — and *G. D.* and their ſucceſſors, ilk ane of them for their own Parts, as ſaidis, ſicklike, and als freely in all reſpects, as the ſaids *A. B. C. D.* and *I. B.* or their Predeceſſors, and Authors held, hold, or might have holden the ſame at any time before the ſaid Appryſing, for payment and ſatisfaction to the ſaid Complainer and his foreſaids, of the ſums of Money *reſpective* above-ſpecified, extending as ſaid is, after the form and tenor of the ſaid Appryſing, Allowance and Approbation written on the back thereof, and Act of Parliament, made anent Appryſing of Lands and others for Debts in all Points, within twentie an days, next after they be charged by you there-

to, under the pain of Rebellion, and putting of them to our Horn, wherein if they failzie, that incontinent thereafter, ye denunce them Rebels, and put them to the Horn, and Eſcheat and In-bring all their moveable Goods and Gear to our uſe, for their contemption, and als that ye uſe the hail remanent order againſt them preſcribed, by our Act of Parliament, made thereanent, according to Juſtice, becauſe the Lords have ſeen the Decreet of Appryſing above-written, allowed, as ye will anſwer, *&c.*

Ex Deliberatione Dominorum Conſilii.

Nota, That Magiſtrats *of Burghs, immediatly as they are charged, uſually give Obedience, and grant Infeftment without Suſpending, and the reaſon is, there is no compoſition due to them, as to other Subjects, for Lands within Burghs are lyable to Scotting, Lotting, Watching, Warding, and all other Emergents incident to Incorporations, which for the moſt part other Lands outwith Burrows, are not lyable to, and becauſe ſome Burghs, give Charters ſubſcribed be the Provoſt and Bailies, and others not, but one of their number give Seaſin, and that others grant Charters and Seaſin in one, according to the ancient Cuſtoms of the* reſpective *Places, and that the Charter when uſed, is written, and the Seaſin given by the Town-clerk, I omit both here, as extraneous to my Office, and it is to be remembred, that many Burghs have Tenements and Ruds within their Territory, that hold not of the King Burgage, ſuch as Conſtable, Chappel, and Temple-lands* &c. *but hold of other Superiors, and yea ſometime Burghs acquire, Right to the like Superiorities, and there be other Burghs, the Superiority whereof, (before they were erected,) belonged to the King, and held of the Crown) otherways than Burgadge) and likewiſe ſome Burghs before their Erection, were Eccleſiaſtick Cities, as* St-Andrews, Glaſgow, Dornock, *&c. and who in theſe, and the like caſes, albeit afterwards, erected in a free Royal Burgh, cannot be prejudged of their Superiority, or want the benefit of Compoſitions that of the Law is due to them, upon the account of any ſuch Erection, without the King, or other Superiors Diſpenſe therewith.* But in the next place, *other Superiors ſometime they ſupend, and ſometime give Obedience, as they and the appear and Vaſſal agree or diſagree anent the Compoſition, and that there be no other juſt ground, why the Superior cannot enter, or receive him, as afterwards is cleared ; ſo that concluding, (ſince it is fit, ſome things of all caſes ſhould be known) the Superior muſt ſuſpend, the Tenor thereof follows.*

Suſpenſion, *a Superior againſt an Appryſer.*

CHARLES ——— forſameikle, as it is humbly meant and ſhown to us, by *W. P.* of ——— that where *W. G.* of ——— has upon his pretended manner, raiſed other Letters, and therewith cauſed charge the ſaid Complainer, as Superior of the Lands and others under-written, to inſeſt and ſeaſe him in all and hail, (here to inſert the Lands as they are ſet down, in the Charge of Horning) lyand within the Sheriffdom of ——— with the Teinds, Parſonage and Viccarage of the ſame, whilks pertained heretably of before to *A. B. C. D.* and *I. B.* and were lawfully appryſed frae them, at the inſtance of the ſaid *W. G.* in an Court of appryſing, holden within the New Seſſion houſe of *Edinburgh*, before *I. H.* Meſſenger and his Collegues, upon the — day of — — years for payment to him, of the ſums of Money Principal, Annualrents, Expenſes and Sheriff-fee, ſpecified in the ſaid Appryſing, extending in manner therein-expreſt, to be holden of the ſaid Complainer, his Heirs and Succeſſors as immediat lawful Superiors thereof, als freely in all reſpects

pects as the forenamed persons, and their predecessors and Authors held, hold, or might have holden the same themselves, at any time before the said Appryssing, after the form and tenor thereof, allowance and approbation written on the back thereof, upon the --- day of --- & Act of Parliament made anent Appryssing of Lands, and others for Debts in all Points, within an certain short space next after the Charge, under the pain of Rebellion, and putting of the said Complainer to the Horn, and for alledged Disobedience thereof, has denunced, at least, intends to cause denunce him thereto, most wrongously and unjustly, *Considering*, it is of verity that the said Complainer is not, nor in Law cannot be obliged to give Obedience to the said Charge, because the forenamed Persons against whom the said Appryssing is deduced, were never infeft themselves, in the Lands and others Appryssed: but on the contrair, the same are, and have been in Non-entry, ever since the decease of *W. B. I. D.* and *H. B*, their fathers, last immediat Heretable Tennents and Vassals to the said Complainer, therein now by the space of —— years, likeas during the said space, the whole Feu-Duties are resting, and thereby the Feu Infeftments are become extinct, by vertue, and conform to the Clauses irritant therein contained, whereby it is declared that if two Terms run in the third, the Feu-Duty not payed, then the Feu shall fall, so that the Appryssing being led against persons not Infeft, the same is void; and albeit they were Infeft, (as they are not) yet the Complainer, after the Lands are now become his own, by the foresaid Clause irritant; cannot to his own Prejudice receive a new Vassal, being in effect, a perfect Homologation of that Right, he now contends to be null, and a passing frae that Benefit, that now has accrued to him. *Secondly*, The Letters ought to be Suspended, yea albeit the forenamed persons, were Vassals to the said Complainer, and that there were no such irritancy incurred because they are year and day at the Horn, and thereby their Liferent Escheat fallen in the Complainers hands, as Superior. *Thirdly*, The Charger being an Appryser, he ought *ante omnia*, to pay a years Duty of the Lands for his Entry, according to the Act of Parliament, with the bygone Feu-Duties, which he has never offered to do, and swa our Lords of Council and Session, may evidently perceive, how wrongously and injustly the said Complainer is charged, in manner and to the effect foresaid, by all Law, Equity, and Reason: nevertheless for Obedience, the said Complainer has found Caution, acted in our Books of Council and Session, that in case at the discussing hereof, it be found by the saids Lords; that he ought to infeft, as said is, that he shall do therein, according to their Decreet, and Declarator to be given thereanent; and therefore the foresaids Letters, and Charge, hail Effect and Execution thereof, ought and should be Suspended upon the said Complainer, in time coming for the Reasons and Causes foresaids, and others ——— as is alledged. *Our Will is Herefore*, and We charge you, that ye lawfully Summond, Warn and Charge the said W. G. personally, or at his Dwelling place to compear before the saids Lords at *Edinburgh*, or where it shall happen them to be for the time, the —— day of ——in the hour of Cause, with Continuation of days, bringand with him the foresaid Decreet of Appryssing, with the Letters of Horning, and others raised thereupon, with the Executions thereof, to be seen and considered by the saids Lords, and to hear and see the same hail Effect and Execution thereof, and Process of Horning therein contained, simpliciter Suspended upon the said Complainer, in time coming, for the *R*easons and Causes foresaids, and others, —— *attour*, we, and our saids Lords in our Name, by thir presents, Suspend the foresaid Letters and Charge, and grounds, whereupon the same proceeded upon the said Complainer; *Discharging*, hereby all Officers and Messengers at Arms, of all putting of the saids Letters to any furder Execution against the saids Complainer, and of their Offices in that part, in the mean-time while the day of the same

Month, that the verity be known, according to Justice, because —— is become Caution for the Complainer, to the Effect above-specified, as ye will answer to us thereupon, &c.

Ex Deliberatione Dominorum Consilii.

As to thir two Blanks of the day of Compearance, and day to which the Letters are suspended, the Deliverance of the Bill rules all, and if there be necessity for Relaxation, ye have it in the Former Stile, and for the Bond of Caution: The former is a sufficient Pattern.

Nota, *Albeit thir Suspensions pass usually upon Caution, yet it is hard but rather that a charter were consigned, that when the Lords modifie the Composition, upon payment thereof, or (in case of Refusal) Consignation of the same in the Clerks hands, the Charter may be given up, and the Appryser not delayed by moe Suspensions, there being als much Reason for it here, as when a Superior being charged by the three Precepts, out of the Chancellary, to infeft upon a service, and being to suspend before the third Precept be returned to the Chancellary, and a fourth given out to infeft, (the Lands holding mediatly of the King) He in this Case usually consigns a Precept of clare constat, only in this last case, there is hazard of Mortality, and in the first only a desire of preference to other Creditors, (who probably run in the same or like Diligence,) which is preserved and kept intire by the Charge of Horning given to the Superior, seing the date of the Infeftment, is still brought back to the Charge: but the Lords to be brief, grant Suspensions in thir and the like cases, either upon Caution or Consignation, as they please, and as a matter arbitrary to them, so that if the Charter be consigned, the Lords Modification being payed (and no other cause found, why the Appryser ought not to be infeft) the same is ordained to be given up to the Appryser, but if Caution be only found, then the Bond being extracted, and the Decreet of Suspension, Horning may be raised against the Cautioner, and he being charged (as the Principal Party was formerly, and the Charge elapsed) both of them may be denunced, Registrat at the Horn, and Caption raised against them, according to the former Stiles,* mutatis mutandis.

If the Superior *will voluntary enter, and not suspend the Appryser, then the Charter would be drawen: as follows.*

Charta Appretiationis.

OMnibus hanc Chartam *visuris vel audituris*, W. P. *de* —— *Superior terrarum aliarumque subtus script. cum pertinen.* Salutem, *in domino sempiternam*, Noveritis *me* Dedisse, *concessisse, disposuisse, & hac presenti Charta mea pro perpetuo confirmasse.* Tenoreque *presentium.* dare, *concedere, disponere, & hac presenti charta mea, pro perpetuo confirmare*, W. G. *de* —— *& hæredibus suis, & assignatis quibuscunque hæreditarie* --- Totas & integras, *terras de* —— (*hic insere terras & decimas, etiamque si sint decimæ inclusæ & quod de hoc superiore tenent.*) Quæquidem, *terræ aliaque supra appretiata cum pertinen. per prius hæreditarie pertinuerunt ad* A. B. *de* —— C. D. *de* --- & I. B. *de* —— *& cum certis reversionibus aliisque juribus & securitatibus in curia appretiationis, in nova Sessionis Domo Burgi de* Edinburgh. *Tenta coram* I. H. *milite, vice-comite in hac parte, specialiter constituto, ejusque Collegiis* —— *die mensis* —— *anno* —— *ab illis omnibusque aliis, ad easdem jus habentibus, vel pretendentibus, ad instantiam dicti* W. G *ejusque hæredum & assignatorum*

assignatorum, quorumcunq; legittime appretiata fuerunt pro solutione iis summæ ——— *monetæ Scotiæ pro principali, & summæ* ——— *Vice-comitis, feodi ad dictam principalem summam correspondentis, salvo justo calculo, in dictis utriisq; summis, ut in dicto decreto & processu, appretiationis, dedata supra mentionat. viso & approbato per Dominos Concilii & Sessionis, perque eos legittime processo, reperto modo in dorsum hujusmodi script.* ——— *die mensis* ——— *anno* ——— *ordinan. literas Cornuationis contra me, tanquam Superiorem antedict, ad prefatum* W. G. *ejusque antedictos in prædictis terris, aliisque supra appretiatis cum pertinen, infeo dandos, modo subtus mentionato latius continetur,* Et Virtute *cujusquidem decreti appretiationis, nec non approbationis, hujusmodi, & literarum cornuationis de super sequen ego tanqam superior supra script. memoratum* W. G. *suosque antedictos in terris aliisque supra specificatis infeodare ---die mensis* ——— *anno* ——— *sub pœna cornuationis legittime mandatis fui ut in dictis literis & executionibus, earumdem amplius recitatur* Tenendas & Habendas, *totas & integras prædictas terras domus adeficia, molendinum aliaque respective supra appretiata cum pertinen- sæpe fato,* W. G. *ejusque hæredibus & assignatis supra scriptis,* De me, *hæredibus & successoribus meis in feodo & hæreditate, in perpetuum per omnes suas rectas metas, antiquas & divisas, prout jacent, in longitudine & latitudine. In domibus adeficiis, hortis, pomariis, bustis, planis, moris, mariesiis viis, semitis, aquis, stagnis, rivolis, pratis pascuis & pasturis, molendinis, multuris, & earum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, Carbonibus, Carbomariis, Cuniculis, Cunicolariis, columbis, colmbariis, fabri-libus, brasinis, brueriis & genestis, lignis, tignis, lapicidiis lapide & Calce, cum curiis & earum exitibus herezeldis bluidwitis & amerciamentis cum (communi pastura, liberoque introitu & exitu, ac cum omnibus & singulis aliis libertatibus, commoditatibus, proficuis, asiamentis ac justis suis, pertinen. quibuscunque, tam non nominatis quam nominatis tam subtus terra, quam supra terram procul & prope ad easdem vel aliquam earundem partem, aut partionem spectan. seu juste spectare valeu in futurum, libere quiete, plenarie honorifice integre bene & in pace, sine aliquo impedimento, contradictione revocatione, aut obstaculo aliquali* Reddendo *inde annuatim prefatus* W. G. *ejusque antedicti, mihi meisque antedictis seu de firmas albe firmas aliisque divorias, jura & servitia, (si que sint) ex predictis terris aliisque, supra appretiatis cum pertinen. nobis debitas, & persolubiles & in originalibus, infeofamentis, earum antedictam appretiationem content. pro omni alio onere exactione, quæstione demando seu servitio seculari qua de prædictis, terris aliisque supra scriptis cum pertinen. per quoscunque juste exigi poterint quomodo libet vel requiri,* Insuper *dilectis meis*

& vestrum cuilibet conjunctim & divisim Ballivis meis in hac parte, specialiter constitutis, salutem vobis precipio, & firmiter mando quatenus, visis, præsentibus in dilate statum sasinam, hæreditariam pariter, & possessionem actualem corporalem & realem, totarum & integrarum, predictarum terrarum, molendinorum aliorumque, respective *particulariter supra appretiat, una cum domibus, adeficiis, hortis, pomariis, partibus, pendiculis, & pertinen. earundem jacen. ut prefertur prænominata,* W. G. *vel suo certo acturnato latori presentium per terra & lapidis fundi, prædictarum terrarum, & lie clapp vel happer dict. molendinorum ut moris est, super solo earundem iis traditionem & deliberationem, quod de me inde habetis juste haberi faciatis, tradatis & deliberetis, & hoc nullo modo omittatis, ad quod faciendum vobis, & vestrum cuilibet, conjunctim & divisim, Balivis meis in hac parte, antedictis meam planariam & irrevocabilem Tenore presentium committo potestatem.* Sub Reversione, *tamen secundum tenorem, Acti Parliamenti, & sub provisionibus, & conditionibus inibi contentis.* In Cujus Rei Testimonium, *huic præsenti charta mea, (ex) chyrographo* W. D. *Scriba in* Edinburgo, *manuque mea subscripti) sigillum meum proprium est appensum,* apud — *die mensis* --- *anno Domini millesimo sexcentesimo* —— Coram his Testibus.

Nota, *If the Heretor of theſe Lands be thirled to the Superiors Miln, theſe words* cum molendinis multuris & earum ſequelis *muſt be left out, and what els not in the former Charter.*

Saſina.

IN Dei Nomine, Amen. *Per hoc preſens publicum inſtrumentum, cunctis pateat evidenter, & ſit notum, quod anno,* (hereto follow the words of the former Seaſin, till ye come to this 6 figure, Page 37. and then ſay) *Comparuit* P. G. *tanquam actornatus & eo nomine* Wi. G. *de* —(*de cujus actornati poteſtate mihi notario publico ſubſcripto, ad effectum ſubtus ſpecificat lucide conſtabat*) *& acceſſit, cum alio diſcreto viro,* D. R. *de* —— *balivo in hac parte, ſpecialiter conſtituto per.* W. P. *de* — *ſuperiorem terrarum, aliorumque ſubtus mentionat virtute precepti Saſina ſub inſert ad ſolum, prædictarum terrarum.* Habens, *& in ſuis manibus tenens. quandam chartam pargameno, ſcriptam, factam, datam & conceſſam, per dictum* W. P. *prefato* W. G. *ejuſque hæredibus & aſſignatis quibuſcunque, hæreditarie* De Et Super, *totis & integris terris de* —(*hic inſere terras aliaque in charta contenta, ſed in ablativo caſu*) *Et quæquidem terra aliaque ſupra ſcripta, cum pertinen. per prius hæreditariæ pertinuerunt ad* A. B. C. D. *&* I. B. *& ab illis* —— *die menſis* — *anno* —— *ad inſtantiam prædicti* W. G. *legittime appretiate fuerunt, pro ſolutione iis ſummarum monetæ in decreto appretiationis id circa deduct. content. extenden. modo inibi expreſſo ut in dicta charta dedata ſubtus ſpecificata* (*& dictum Saſina præceptum ſub inſertum in ſe continen.*) *latius continetur* Quamquidem, *chartam dictum Saſina preceptum, in ſe continen. prænominatus,* P. G. *tanquam actornatus, antedictus exhibuit, & preſentavit denominato.* D. R. *ballivo in hac parte, antedicto eundem requirens, quatenus ad executionem ejuſdem Saſinæ, precepti officiiq; ballivatus virtute hujuſmodi ſibi commiſſi debite procederet.* Quiquidem *ballivus ſciens & percipiens dictum deſiderium fore juſtum, rationiq; conſonans dictam chartam omni qua decuit reverentia accepit mihique notario publico ſubſcribenti, per legendam, publicandam, & aſtantibus vulgari ſermone exponendam dedit tradidit & deliberavit,* Et Cujus Saſinæ Precepti, *tenor ſequitur & eſt talis.* (*hic inſere preceptum ut in charta, cum ſubſcriptionibus*) *& ſub hac forma ſic ſubſcribitur* W. P. I. M. *teſtis,* I. G. *Teſtis.* Poſt Cujusquidem, *Saſinæ Precepti, ſupra mentionat perlectionem publicationem, & explanationem prefatus* D. R. *tanquam Ballivus, antedictus virtute, ejuſmodi & officii, ballivatus ſibi in hac parte, commiſſi ſtatum Saſinam hæreditarium, pariter & poſſeſſionem, actualem, realem corporalem, totarum & integrarum, prædictarum terrarum, molendinorum, aliorumque reſpective particulariter ſupra ſcript. cum domibus, ædificiis, hortis, pomariis, partibus pendiculis, & pertinen. earundem jacen. ut prefertur prænominato* W. G. *per terræ & lapidis ſunds, prædictarum terrarum, nec non clapp. dict. molendinorum, ſuper ſolo earundem, ut moris eſt dicto,* P. G. *tanquam ejus acturnato antedicto, traditionem, & Deliberationem, ſecundum tenorem dictæ chartæ preceptique Saſinæ inibi content in omnibus dedit, tradidit, pariter & deliberavit* (*nemine contradicente nec in contrarium opponente.* Super quibus, *omnibus & ſingulis premiſſis. dictus* P. G. *tanquam actornatus ſupra ſcriptus unum vel plura inſtrumentum ſeu inſtrumenta ſibi fieri petiit.* acta erant hæc *ſuper ſolo prædictarum terrarum, & molendinorum horas, inter* —— *meridiem, die, menſi, anno* — *annoque regni ſupra mentionatis* Preſentibus, *diſcretis & honeſtis viris,* A. B. *de* — C. D. *de* — I. F. *de* — A. G. *incola in* — W. G. *Scriba in* — *&* A. H. *meo ſervitore, cum diverſis aliis, teſtibus, ad premiſſa ſpecialiter rogatis & requiſitis.*

Nota, *Some Seaſins are given upon Precepts, out of the Chancellary, following on Services in Lands holden of the King, and thir Precepts are direct to the*

the Sheriff of the Shire, Stewart of the Stewartry, or Baillie of the Regality, where the Lands lyes, or being Tenements, or Aikers, within Burgh or Territory thereof, to the Provost and Baillies of the same, in which case since the Clerks of Court only give Seasin, I forbear to shew what Denomination the Judge-giver of the Seasin should have therein, only the Precept ought to be followed in this. Other *Seasins are given upon Precept out of the Chancellary, likewise but these Precepts Proceed upon Charters of Appryſing, Charters of Reſignation, and the like, and are uſually direct to the Sheriffs, Stewarts, or Baillies of the Juriſdiction, within the which the Lands ly, or to —— as Sheriffs, Stewarts, or Baillies in that part of the Sheriffdom, —— Stewartrie —— or Regality of —— and on thir Precepts any Nottar give Seasin, ſo that the Nottar muſt Deſign the Judge-giver of the Seasin, in manner following.* viz. *if the Lands ly within a Shire, only then call him* Vice-comes in hac parte, *if within a Regality* Balivus in hac parte, Regalitatis de —— *and if within a Stewartry,* Seneſcallus in hac parte, Seneſcallatus de ——— *but for Seasins given upon any Subjects Charter or Precept, the giver of the ſamen is ever deſigned* Ballivus in hac parte, (*except in this one caſe where the Sheriff, Stewart, or Baillie of Regality, refuſes to give Seasin on a Precept out of the Chancellary, on a Service, and the matter being Repreſented to the Lords of Seſſion, they give Warrand to the Director of the Chancellary to grant a Precept to a Sheriff, Baillie of Regality, or Stewart in that part, with Power to choice his own Clerk, ſo that this Perſon thus Created or Commiſſionat, is Stiled and Denominat* Vicecomes, Ballivus Regalitatis, vel Seneſcallus, &c. in hac parte, *als well as thoſe to whom firſt direct.*)

The next thing to be adverted to, is, what can be the Reaſon, that upon ſome Charters there be Seaſin given at one place (how many Lands ſo ever, and how diſcontiguous ſo ever) and yet not ſo on other Charters; but Seaſin muſt be taken on each Land, without there be an Erection of all in one Barony, Lordſhip, or the like (in which caſe Seaſin at the Place appointed, is ſufficient without any other particular Seaſin) it is anſwered that the firſt is granted and done, by an expreſs Diſpenſation from His Majeſty, (and who only can, and by vertue of his Prerogative Royal, has Power to grant ſuch) but for Subjects, as they have no ſuch Power or Priviledge, ſo they cannot grant it to others, and thereby a particular Seaſin, muſt be taken, without there be an Erection, or an expreſs Diſpenſation, as ſaid is, originally granted be the King, in which caſe the Perſon who has that Priviledge, may tranſmit the ſame as to whole or part: and becauſe there are diverſe things whereof Seaſin may be taken, and each has its own particular Symbol requiſit to be uſed in taking Seaſin; Therefore I have ſet them down here particularly. Videlicet

The Symbol of Lands, is Earth and Stone, the Symbol of Teinds, an handful of Corn, the Symbol of an Annualrent, an pennie Money, the Symbol of an Annuity of Victual Out of Lands, is an handful of Corn, the Symbol of an Heretable Office, is the Court-Book, the Symbol of an Patronage, is the Keyes of the Kirk-Door, The Symbol of a Salmond Fiſhing, is Net and Coble, of a Miln, Clapp and happer, of Ferrie, the Oar of the Boat, of a Well, a Pint Stoup full of Water, but where Lands are erected in Dukedoms, Earldoms, Baronies, or the like, Earth and Stone is ſufficient for all, & ſome Writers in the Erection and Diſpenſation (as appears by the After Signatures, Inſert theſe words) and that by Tradition and Delivery of Earth and Stone allenarly without neceſſity of any other Symbol to be uſed for that Effect, wherein I Judge there is no wrong, and yet but done ex ſuper abundante.

The next thing (as to real Execution to be conſidered, *is, but what if the Debitors (albeit on life) be not Infeft in their Eſtates, as Heirs to their Predeceſſors, only Poſſeſs as Appear and Heirs, ſo that if they ſhould die Un-*

entered and Infeft, the Debitor should have none to Represent them, and consequently may be Defrauded of his just Debt.

The way to Secure the Debt and Obviat this *Inconvenience, is to Registrat the Bonds, and raise a Special Charge thereon, and Charge them to enter Heirs in Special to their Predecessors who died last, Vest, and Seased in the Lands, and thereafter Compryse from them as lawfully Charged, whilk is as sufficient as if they were Infeft and ye are to prosequite the samen, in the Order and Method following, and because it is concluded formerly, that the matter was Susended and Dissust, the Cautioner in the Suspension as a Person Judged not Infeft, is also taken alongst.*

Letters of Special Charge to enter Heir.

CHARLES by the Grace of God —— to Messengers, —— forsameikle as it is humbly meant and showen to us by *W. G.* of —— Assigney after specified, that where *A. B.* as Principal, and *C. D.* as Cautioner for him, by their Bond dated the —— (here to Insert the Narrative of the Horning at the same Complainers Instance against thir persons, and their Cautioner in the Suspension, till ye come to this Letter Q page 17. and then say) and albeit it be of verity that the foresaid Sums of Money, be as yet truly Addebted and Restand, Owand, unpayed, and that the said Complainer as Assigney foresaid, has oft and divers times desired and required the saids *A. B. C. D.* and *I. B.* Principal and Cautioners foresaids, to have made payment to him thereof, nevertheless they not only wrongously refuse, postpone and defer to do the same, but also in manifest Defraud, Hurt, and prejudice of him thereanent, they wrongously ly furth, and will not enter themselves Heirs in Special to the deceast *W. B.* Father to the said *A. B.* and to *G. D.* Father to the said *C. D.* and *A. B.* Father to the said *I. B.* in all and sundry the Lands, Heretages, Tenements, and others respective after-specified, *viz.* (leave blank for the Lands) wherein they died last, vest, and Seased as of Fee at Faith and Peace, and wherein the forenamed persons may purchase, procure, and obtain themselves duely and lawfully Served, Retoured, Entered, Infeft and Seased as Heirs in Special to them; to the Effect the said Complainer may have all Action, Process, and Execution of Appryfing, and others of the Law competent, Direct, Led, Raised, Used, and Execute against them, and the saids Lands, and others above specified, for payment to him as Assigney foresaid, of the foresaid Sums of Money, *respective*, above-mentioned, addebted by them to him in manner above-expresst: wherefore necessar it is to him, to have thir our Letters direct at his Instance against them, in manner and to the Effect after-specified, as is alledged. *Our Will is Herefore*, and we Charge, you strictly, and Command that Incontinent thir our Letters seen, ye pass, and in Our Name and Authority, Command and Charge the saids *A. B. C. D.* and *I. B.* personally, or at their Dwelling-places, to Enter themselves Heirs in Special, to their said deceast Fathers, in all and sundry the Lands, Tenements, and others particularly and generally, above-mentioned, wherein they died last, vest, and Seased in manner foresaid, and to obtain the full Heretable Irredimable, and undoubted Right thereof, Established in their persons, and that within fourty days, conform to the Act of Parliament, to the Effect above-specified, with Certification to them if they failzie, the saids Complainer shall have siklike Action, Process, and Execution of Appryfing, and others of the Law competent, Direct, Led, Raised Used, and Execut at his Instance against them as lawfully Charged, to Enter Heirs in Special, as said is, and the saids Lands and others above-mentioned, as he might have against them, if they were lawfuly Served, Retoured, and Infeft as Heirs foresaids in Special, to their said deceast Fathers therein, in manner above ex-

preſt, notwithſtanding they will fully ly furth, and will not Enter in manner foreſaid: according to Juſtice as ye will anſwer——

Ex Deliberatione Dominorum Concilii.

Their Letters being Execute, and the days elapſed, Letters of Appryſing would be Raiſed, as follows.

Letters of Appryſing, *on a Special Charge to enter Heir.*

CHARLES—— to Meſſengers our Sheriffs—— forſameikle as it is humbly meant and ſhowen to us by *W. G.* of —— that where (here to take in the Narrative of the Letters of Special Charge, till ye come to this Letter *Q.* and then ſay, and albeit it be of verity, that the foreſaid Sums of Money, Principal, Annualrents and Expenſes *reſpective* above-ſpecified, be as yet truly Addebted and Reſtand, Owing, unpayd, and that the ſaid Complainer oft and divers times deſired and required the ſaids *A. B. C. D.* and *I. B.* to have made payment to him thereof, nevertheleſs they not only wrongouſly Refuſed, poſtponed and deferred to do the ſame, but alſo they in manifeſt Defraud, Hurt, and Prejudice of him thereanent, wrongouſly lay furth, and would not Enter themſelves Heirs in Special to *W. B. G. D.* and *A. B.* their Fathers, in all and ſundry the Lands, Tenements, and others after-ſpecified, *viz.* (leave blank for the Lands) wherein they dyed laſt, veſt, and ſeaſed as of Fee at Faith and Peace, and wherein the ſaids *A. B. C. D.* and *I. B.* might purchaſe, procure, and obtain themſelves duely and lawfully Served, Retoured, Entered, Inſeſt and Seaſed as Heirs in ſpecial to them, to the Effect the ſaid Complainer might have all Action Proceſs, and Execution of Appryſing, and others of the Law competent, Direct, Led, Raiſed, Uſed, and Execute at his Inſtance, againſt them and the ſaids Lands, and others foreſaids, for payment to him of the ſaids Sums of Money, *reſpective* above-ſpecified, Addebted by them to him in manner above-mentioned, whereupon the ſaid Complainer having meant himſelf to our Lords of Council and Seſſion, he purchaſt and obtained Letters of ſpecial Charge to Enter Heir at his Inſtance againſt the ſaid *A. B. C. D.* and *I. B.* and by vertue thereof Cauſed—— Meſſenger, paſs upon the—— day of—— years, and lawfully Command and Charge them to Enter Heirs in ſpecial to their ſaids deceaſt Fathers, in all and ſundry the Lands, Tenements, and others *reſpective* above-ſpecified, wherein they died laſt, veſt, and ſeaſed as ſaid is, and they may purchaſe & obtain themſelves duely and lawfully Served & Inſeſt as Heirs to them in manner foreſaid, and to obtain the full, heretable Irredimable and undoubted Right thereof, Eſtabliſhed in their perſons, within fourty dayes conform to the Act of Parliament, to the Effect above-ſpecified, and with Certification as is at length ſpecified, and contained in the ſaids Letters of ſpecial Charge to Enter Heir, as the ſame and Executions thereof in themſelves, alſo more fully is expreſt, and true it is that the foreſaid ſpace of fourty dayes, within the which the forenamed perſons were lawfully Charged to Enter Heirs in ſpecial to their ſaid deceaſt Fathers, in manner above expreſt, is now come, bygone and expyred, and yet they have neither Entered, nor obtained themſelves Inſeſt as Heirs, nor yet have they made payment to the ſaid Complainer of the foreſaid Sums (*X.*) wherefore neceſſar it is to him, to have thir our Letters of Poinding and Appryſing direct at his Inſtance againſt them, as lawfully Charged to Enter Heirs in ſpecial to their ſaid Deceaſt Fathers, as ſaid is, in manner and to the Effect after-ſpecified: and becauſe divers and ſundry Queſtions, Debates and Controverſies may ariſe, (take in from this Letter *R.* page (19) before the will of the former Letters of Appryſing, till ye come to the Will it ſelf, and then ſay

ſay *Our Will is Herefore*, aud We Charge you ſtrictly, and Command, that incontinent thir Our Letters ſeen, ye paſs, and in our Name and Authority, ſearch ſeek, (here take in the Will of the laſt Letters of Appryſing, till ye come to this Letter *W.* and then ſay) or that might be competent to them if they were Entered Heirs in Special to their ſaid deceaſt Fathers, in manner above-expreſt, or to their Heirs, or Aſſigneys of, upon, or concerning the ſaids Lands and others, to be Appryſed with the Pertinents, or any part or portion thereof, for whatſoever ſpace or ſpaces as yet to run therein contained, together alſo with all and ſundry Reverſions, als well Legal as Conventional, Legal of Legal, and Legal upon Legal, Bonds, Promiſſes, and Conditions of Reverſions, if any be made, given, granted, promitted, provided, or of the Law competent, to be made and granted by whatſomever perſon or perſons to the ſaid deceaſt *W. B. G. D.* and *A. B.* and their *Predeceſſores, Cedentes*, and *Authores*, or to the ſaids *A. B. C. D.* and *I. B.* if they were Entered Heirs in Special to them, in manner foreſaid, or to any other perſon, or perſons to their Behove, or to their Heirs or Aſigneys for Redemption, Looſing and Out-quiting from whatſomever perſon or perſons of the ſaid Lands and others foreſaids, with the Pertinents, or any part or portion thereof, or of any Annualrent or Annualrents, or other Duty yearly upliftable furth of the ſame, *to be Appryſed*, (follow furth the reſt of thir Letters, according to the former Letters of Appryſing, *de verbo in verbum*] page (20) according to Juſtice as ye will anſwer, *&c.*

Ex Deliberatione Dominorum Concilii

Nota, *The former Information for the Meſſenger, is ſufficient to Execute thir Letters, as alſo the Schedul and Procuratorie in this Appryſing, is the ſame with the former only, whereas the former ſayes only, againſt ſuch perſons, ye muſt add as lawfully Charged to Enter Heirs in Special to their deceaſt Fathers, Page (22) figure 6. and would be named and deſigned as in the Letters, and when ye come to theſe words competent to you, add or that might be competent to you if ye were Entered and infeft as Heirs in Special to your ſaid deceaſt Fathers, as ſaid is, ſo that the next ſtep is the Executions of Appryſing.*

Executions of Appryſing.

UPon the —— dayes of —— 16 —— I. *I. H.* Meſſenger, an of the Sheriffs in that part, within lawfully conſtitute, by vertue and at Command of the within written Letters of Poinding and Appryſing raiſed at the inſtance of the within named *W. G.* of —— againſt the within named *A. B. C. D.* and *I. B.* as lawfully Charged to Enter Heirs in ſpecial to their deceaſt Fathers, particularly within named, paſt to and within the ſaid *A. B.* his Dwelling-Houſe of --- and to the ſaid *C. D.* his Dwelling-Houſe of —— and to the ſaid *I. B.* his Dwelling-houſe of —— where they with their Families have their actual Reſidence and Manſion for the time, and thereafter the ſame days I paſt to the ground of the Lands and others after-ſpecified, *viz.* to the grounds of the Lands of —— lyand within the Sheriffdom of —— and to the Ground of the Lands of —— lyand within the Sheriffdom of —— and to the grounds of the Lands of —— lyand within the Sheriffdom of —— and all pertaining heretably to the ſaids *A. B. C. D.* and *I. B.* at leaſt to their deceaſt Fathers, and wherein they were lawfully charged to enter, and to obtain themſelves Infeft as Heirs in ſpecial to them, within fourty days conform to the Act of Parliament in manner within-expreſt, and to and within the hail Maner, Places, Houſes, Biggings, and others being thereupon ſwa far as I could get Entry or Acceſs, and

and there als well at and upon the Ground of the ſaids Lands and others, above and after-ſpecified, with the Pertinents, as within the ſaids Dwelling-houſes, and remanent Houſes, and Biggings being thereupon, ſo far as I could get Entry or Acceſs, in manner foreſaid, *I diligently* Searched and Sought (here to take in the Stile of the former Executions *uſque ad finem*, page 24. only advert that in the general Clauſes, *viz.* with the Ground, Right, and Property —— together with all Bonds, Obligations —— together alſo with all and ſundry Reverſions, whereas in the former Execution, it only ſays competent to the ſaid *A. B. C. D.* and *I. B.* their Predeceſſors, Cedents and Authors, ye muſt add furder in this Execution, or that might be competent to them, if they were Entered and Inſeſt as Heirs in Special to their ſaids deceaſt Fathers, in manner foreſaid, for in Effect they have no Right not being inſeſt, and upon that Accompt we appryſe what may be competent, if they were entered and Inſeſt, which is the real and abſolute *Right* of the Lands.

CLAIM of APPRYSING on a ſpecial Charge to Enter Heir.

GOod Men of Inquieſt, unto your Wiſdoms humbly ſheweth, *W. G.* of G—— that where (*here to take in the Narrative of the preceeding Letters of Appryſing, till ye come to this Letter* X. and then add, Likeas I having meant my ſelf to the Lords of Council and Seſſion, *I* accordingly purchaſed and obtained Letters of Poynding and Appryſing at my *Inſtance* againſt them, as lawfully charged to enter Heirs to their ſaid deceaſt Fathers, in manner foreſaid. *By Vertue*, and at Command whereof, I cauſed *I. H.* Meſſenger, one of the Sheriffs in that part, thereby ſpecially conſtitute paſs, upon the —— days of —— To and within the ſaids *A. B.* (here to follow out the whole Tenor of the Executions, only in the *Claim* ye muſt ſpeak of the Meſſenger and his Actings in the third Perſon, becauſe it is the Party himſelf that ſpeaks therein, and not the Meſſenger, and anent which look the former *Claim*, and what obſerved thereanent, as alſo whereas in the petitory part, ye ſay that ye would Appryſe from the ſaids *A. B. C. D.* and *I. B.* ye muſt here add, as lawfully charged to enter Heirs in ſpecial to their ſaid deceaſt Fathers, in manner above-expreſt; And thereafter follow out the Concluſion of the other *Claim*, Verdict of the Inqueiſt, and all.

ACTS of COURT.

The former Acts of Court is a Stile ſufficient for thir, only at this Letter H. *add thir words as lawfully charged to Enter Heirs in Special to W. B.* —— G. D. *of* ----- *and* A. B. *of* —— *their Fathers within fourty days, conform to the Act of Parliament.*

Decreet of Appryſing on a Special Charge.

CUria Appretiationis *terrarum aliorumque ſubtus ſcript. cum pertinen.* Tenta *in pretorio, ſeu Nova Seſſionis domo burgi de* Edinburgh. —— *die menſis* —— *anno domini* —— Coram *diſcreto viro* I. H. *nuncio vice-comite in hac parte ſpecialiter conſtituto ejuſque Collegiis*, ad inſtantiam *W. G. de* —— contra *A. B. C. D. & I. B. tanquam legitime mandatos ad hæredes in ſpeciali intrandos quondam* W. B. *de* —— G. D. *de* —— & A. B. *de* —— *eorum patribus virtute literarum, namationis & appretiationis ſub ſigneto Regio, ex Deliberatione Dominorum Concilii & Seſſionis ad hunc effectum, dat. & direct. diſpenſationem, tam penes locum quam tempus vacantiarum (ſi contigerit) in ſe continen. modo reſpective ſubtus mentionate.*

Curia legitime affirmata.

TO *all and ſundry*, whom it effeirs to whoſe Knowledge thir Preſents ſhall come *I. H. Meſſenger*, Sheriff in that part foreſaid, and Judge in this preſent Proceſs, and Decreet of Appryſing under-written, ſpecially Conſtitute, *Greeting*, forſameikle as, Our Soveraign Lord *Charles* the 2*d*. by the Grace of God, King of Great *Britain*, *France* and *Ireland*, Defender of the Faith, His Majeſties Letters of Poinding and Appryſing after-ſpecified, given under His Highneſs Signet, by Warrand of the Lords of Council and Seſſion, purchaſed and raiſed at the inſtance of the ſaid *W. G.* Purſuer againſt the ſaids *A. B C. D.* and *I. B.* Defenders as lawfully charged to Enter Heirs in ſpecial to their ſaids deceaſt Fathers, were direct to *I. Ha.* Meſſenger, me or any other Meſſenger at Arms, and our Collegues one or moe conjunctly and ſeverally, *Mentioning*, that where (*here to inſert the Narrative of the Letters of Appryſing* immediatly preceeding, till ye come to the Will, calling the Complainer alwiſe the Purſuer, and ſpeaking ſtill in the preterit time, and including ſtill thir Words, as was alledged, and thereafter in Lieu of the Will ye are to ſay, *Commanding* and *Charging*, therefore the ſaid *I. Ha.* Meſſenger me or any other Meſſenger at Arms, and our Collegues, one or moe conjunctly and ſeverally to paſs; and in His Majeſties Name and Authority, *S*earch *S*eek, Fence, Arreaſt, Appryſe, Compell, Poind and Diſtrenzie the ſaid *A. B. C. D.* and *I. B.* there readieſt Goods, Gear, (*here to inſert the Will of the Letters, till ye come to according to Juſtice*, only call the Complainer Purſuer, and whereas the Letters bear that ye denunce —— that yè Warn, that ye Fence Courts in Lieu thereof, to ſay in the Decreet, to Denunce —— to Warn —— to Fence Courts in the infinitive mood, and whereas the Letters ſay to be appryſed before you and your Collegues —— within the new Seſſion Houſe of *Edinburgh* the —— day of —— to ſay in the Decreet to be Appryſed, before the ſaid *I. Ha.* Meſſenger, me or any other Meſſenger at Arms, and our Collegues this preſent day and place, in the hour of Cauſe —— *and thereafter when ye come to according to Juſtice* ſay *By Vertue and at Command*, of the which Letters of Poinding and Appryſing above-written, the ſaid *I. Ha.* Meſſenger one of the Sheriffs in that part, thereby lawfully conſtitute, paſt upon the —— days of —— 16 —— years, to and within the ſaids *A. B. C. D.* and *I. B.* their Dwelling-houſes of —— where they with their Families had their actual Reſidence and Manſion for the time, and thereafter the ſame days, the ſaid Meſſenger paſt to the Ground of —— (*here to inſert the Executions, with the Alterations mentioned in the former Decreet of Appryſing* at this Letter *K*. page (30) & when ye come to, and for the more Verification, leave of and ſay, as the ſaids Letters of Poinding and Appryſing, and Executions thereof duely, made, Stamped, and Subſcrived by the ſaid Meſſenger, at more length proports: *And ſick-like* I the ſaid *I. H.* Meſſenger, by Vertue of the ſaids Letters of Poinding and Arpryſing, and at Command thereof, and in Name and Authority foreſaid, paſt upon the ſaid —— day of —— (the ſame being the day appointed, for leading and deducing of the ſaid Appryſing) and lawfully Warned the hail perſons of Inqueiſt (*here take in all of the former Decreet of Appryſing* from this figure 6 till ye come to this mark of the 7 figure, and then ſay, together with the foreſaids Letters of ſpecial Charge to Enter Heir, and Executions thereof with the (4) foreſaids Letters of Poinding and Appryſing, and Executions of the ſame, and Letters of Procuratory above-mentioned, all of the Dates Tenors Contents and Regiſtrations above-expreſt, and upon Production of the ſaids Writes, only neceſſar to have been produced in the ſaid Appryſing for Verification of the ſaid Claim, the ſaid *A. M.* as Procurator foreſaid, asked and took Inſtruments, and the ſaids *A. B. C. D.* and *I. B.* Defenders, and all others, having or pretending to have Intereſt in the ſaid matter, being

all

all lawfully warned of before, in manner and to the effect foresaid, and none compearing to object against the said Appryſing, the said Procurator also thereupon, asked and took Inſtruments, and deſired Proceſs thereupon (here to follow forth all after this 8 Figure in the former Decreet of Appryſing, till ye come to this 9 Figure, and then ſay, as lawfully charged to enter Heirs in ſpecial to their ſaid deceaſt Fathers, in manner above-expreſt, their Heirs and Succeſſors, and all others having, or pretending to have Intereſt in the ſaid matter, to and in Favours of the ſaid Purſuer, his Heirs and Aſſigneys whatſoever heretablie, *All and Hail* (here to inſert all in the Executions of Appryſing from the Text word, *Denunced* till ye come to the Words *to be Appryſed*, alſo uſually writen in Text Letters, only incaſe the Denunciation bear the particular bounding of Tenements, Acres, or the like, ye may forbear in this place to inſert the Bounding at length, and in lieu thereof, only Lyand and bounded in manner foreſaid) *Upon* the whilk Appryſing and Deliverance thereof above-written, the ſaid *A. M.* as Procurator foreſaid, asked and took Inſtruments, and immediatly thereafter I the ſaid *I. H.* Meſſenger, as Judge and Sheriff in that part foreſaid (*Here to follow forth the reſt of the former Decreet of Appryſing from the Figure of* 10. *till ye come to this Figure of* 11. and then ſay) Freely in all reſpects as the ſaid deceaſt *W. B. G. D.* and *A. B.* held the ſame at any time in their Lifetimes before their deceaſſes, or as the ſaids *A. B. C. D.* and *I. B.* their Sons, Held, Holds, or might have holden the ſamen, if they were entred and infeft as Heirs in ſpecial to them in manner above-expreſt, or as any other their Predeceſſors, Cedents and Authors, or one or other of them held the ſame before the ſaid Appryſing, after the Form and Tenor thereof, and Act of Parliament made anent Appryſing of Lands, and others for Debts, in all Points. *With full Power* to the ſaid Purſuer, and his foreſaids, to intromet with, Uplift, Ask, Crave and Receive the foreſaids Mails, Ferms. (*Here to follow forth the reſt of the former Appryſing* uſque ad finem, *there being no Alteration at all.*

Nota, *If there was a Horning raiſed, and Charge given, let it be marked produced at the 7 Figure in the Decreet of Appryſing, thus with the Horning and Executions: And this Decreet being duely allowed, conform to the Act of Parliament. The next thing to be conſidered is, whether the Lands Be holden of the King, or of a Subject, and becauſe Brevity is intended in either of the Caſes, I ſhall not ſet down the Forms of either at length, only ſuppoſing there may be Lands holden of the King, as alſo Lands holden of a Subject, (as is before ſaid) I ſhall only diſcriminat the caſe thus betwixt this and the former Style, and to diſcourſe firſt of ſuch Lands as holds of His Majeſty (otherways than Burgage); There is no differ in the Signatur or Precept thereon except this one poynt, viz. whereas in the former Signatur, it is ſaid whilks Lands and others above-appryſed with the pertinents, pertained heretably of before to the ſaid* A. B. C. D. *and* I. B. *ye muſt ſay pertained heretably of, before to the deceaſt* W. B. G. D. *and* A. B. *and were lawfully appryſed from* A. B. C. D. *and* I. B. *as lawfully charged to enter Heirs in ſpecial to them, and then follow forth the reſt of the Signature, and for ſuch Lands as hold of His Majeſty Burgage, or of a Subject in the Horning, there is nothing to be altered except thir two Points,* viz. 1. *Whereas in the Narrative, ye ſay that the Complainer obtained, lawfully appryſed from* A. B. C. D. *and* I B. —— *all and haill — ye muſt add from ſuch Perſons as lawfully charged to Enter Heirs in ſpecial, to the deceaſt* W. B. G. D. *and* A. B. *their Fathers.* 2. *In the words of the Will to be holden of ſuch a Superior, ſicklike and als freely,* &c. *ye muſt follow the words of the Decreet of Appryſing, for in this Point the two Decreets alter and varie.*

Thus having discust personal Execution, as also Real Execution inter vivos; *The next thing proposed, is Personal and Real Execution* inter vivum & mortuos, *and how the Creditor shall settle and establish, either, by Law; and because there may be a ground for both or not, as the appearand Heirs will represent (or not) their Predecessors, therefore I shall in Method discuss both, and first as to what the Creditor is to use in case of Representation; In Order to which ye must raise Letters of*

GENERAL CHARGE *to Enter Heir against the appearand Heirs of the Debitors deceast.*

CHARLES, *&c.* To Messengers —— forsameikle as it is humbly meant and shown to us by *W.G.* of —— that where the said complainer has diverse and sundry Actions and Causes to intent, Move, Prosecute, follow forth, and pursue at his Instance, als well before our *Lords* of Council and Session, as other inferior Judges within this our *Realm*, against *W. B.* eldest lawfull Son and Appearand Heir to the deceast *A. B.* of —— and *G. B.* of —— eldest lawful Son and Appearand Heir to the deceast *C. D.* of —— and *I. B.* eldest lawful Son and Appearand Heir to the deceast *A. B.* of —— and their Tutors and Curators for their Interests, for payment and satisfaction to him, for himself as Assigney, and otherwise, having Right from diverse and sundry persons of certain Debts and Sums of Money, Addebted and Restand, Owand to him and his Authors, from whom he has Right be their said deceast Fathers, and als for Implement and Fullfilling to him of certain Contracts, Dispositions, and other Writes and Evidents past betwixt their said deceast Fathers and the said Complainer, and his saids Authors thereanent, and Decreets recovered thereupon, as the samen in themselves more fully is expreſt; and albeit, it be of verity that the said Complainer has oft and divers times desired and required the saids *W. B. G. D.* and *I. B.* Appearand Heirs foresaids, and their Tutors and Curators, if they any have for their Interests to have made payment to him of the foresaids Sums, and to have fullfilled to him the saids Writs and Evidents: Nevertheless, they not only wrongously Refused Postponed and deferred to do the same, but also in manifest Defraud, Hurt, and prejudice of the said Complainer thereanent, they willfully ly furth, and will not Enter the said *W. B. G. D.* and *I. B.* Heirs to their said deceast Fathers, to the effect the said Complainer may intent, prosecute, follow furth, and pursue the forsaids Actions and Causes against them, and their saids Tutors and Curators for their Interests, and such other Actions and Causes as he has to lay to their Charge, or as he might have laid to the Charge of the said deceast *A. B. C. D.* and *A. B.* at any time in their lifetimes, before their decease, or as if they were yet on Life for payment to him of the foresaids Sums, and Implement and Fullfilling to him of the said Writs and Evidents; wherefore necessar it is for him to have thir our Letters direct at his Instance against them, by Delivetance of our saids Lords of Council and Session, in manner and to the Effect after-specified, as is alledged. *Our Will is Herefore*, and We charge you strictly and Command, that incontinent thir Our Letters seen, ye pass, and in Our Name and Authority Command and Charge the saids *W. B. G. D.* and *I. B.* personally or at their Dwelling-places, and their Tutors and Curators for their Interests, by open Proclamation at the Mercat cross of and other Places needfull to Enter the saids *W. B. G. D.* and *I. B.* Heirs to their saids deceast Fathers, within fourty days conform to the Act of Parliament, to the Effect above-specified, with Certification to them, if they failzie the said Complainer shall have sicklike Action, Process and Execution against them

them, and their ſaids Tutors and Curators for their Intereſts, as he might have againſt them, if the ſaids *W. B. G. D.* and *I. B.* were Entered Heirs to their ſaids deceaſt fathers, notwithſtanding they willfully ly furth and will not Enter themſelves Heirs to them, in manner above-expreſt, or as he might have had againſt their ſaids deceaſt Fathers at any time in their Lifetimes, before their Deceaſs, or as if they were yet on life, for payment and ſatisfaction to him of the ſaids Sums, and Implement and Fullfilling to him of the ſaids Writs and Evidents: according to Juſtice, conform to the Act of Parliament, as ye will Anſwer; *&c.*

Ex Deliberatione Dominorum Concilii.

Nota, *Thir Letters of General Charge are only Raiſed, when the Creditor cannot prove any other* paſſive Title *againſt the Debitors Repreſentatives, as that he is Heir Served and Retoured, or has accepted of a Precept of* clare conſtat. *from the Superior, and thereupon Infeft (which is equivalent) or that he intromett with the Defunct's Heirſhip, Goods,* Titulo lucrativo, *or that being* alioque Succeſſurus, *he accepted of a Diſpoſition from the Defunct of his Eſtate,* poſt contractum debitum, *or that he is Executor confirmed and ſo forth,* But when any perſon has occaſion to raiſe the like *Letters, the ſubſeqnent Animadverſions wonld be conſidered, and particular Information had thereanent.* And 1. *Whether the Heirs be out of the Country or not, for if they muſt be Charged at* Edinburgh *Croſs, and at the Peer of* Leith, *and the Letters would bear an expreſs warrant for that Effect.* 2. *What Heirs the Defuncts have, for ſome have Heirs of their own Body, and thoſe may be Male or Female, and if Male it is more clear, but if only Female, then it would be knowen, whether the Eſtate be to the Heirs whatſomever, or Heirs-male, or Tailzie, for if to the Heirs whatſomever then the Daughters muſt be charged, and if otherwiſe, the other Heirs muſt be charged, as alſo the Heirs of Line, (ſeing they muſt be firſt diſcuſt) and likewiſe there may be Heirs of Proviſion and Conqueſt, as the Heirs of a firſt ſecond or third Marriage, and if all of them ſhould occur, they muſt be all charged, for albeit the General Heir,* viz. *The Heir of the firſt Marriage, be obliged to relieve the Heirs of a ſubſequent Marriage (being in a manner Creditors to the firſt) yet all of them will* primo loco, *be lyable to the common Creditor for his juſt Debt, and then let them ſeek for Relief* inter metipſos, *as accords.*

But to Proceed, *The General Charge being Raiſed againſt all concerned, and being Execute upon the days therein-mentioned,* viz. 40. *againſt thoſe in the Country, and on* 60. *againſt theſe forth thereof: the next thing to be done, is, to purſue the Heirs, for the Debt before the Lords, or Inferior Judges, and this Purſuit muſt be an Action of Regiſtration (in caſe the Bond be not Regiſtrat) or if Regiſtrat, an Action of Transferrence, but there being no Requiſition appointed by the Bond (whereby the Debt is due) before payment, a Summonds may be Raiſed for the* Debt ſummarlie, *and the Debt being proven by Write, and the* paſſive Title *againſt the Defenders, or the* paſſive Title *being referred to the Defenders Oath, or otherwiſe legally proven, the Summonds may be alſo Priviledged on 6 days (Parties being within the Country) and a Stile of which three Summonds of Regiſtration, Transferrence and payment, ye will find amongſt the other Stiles of Summonds, likeas, on thir Summonds, there may be Inhibition and Arreaſtment Raiſed, and there being Decreets thereafter obtained on the ſame, the Inhibition will be als ſufficient as if Raiſed on the Decreet, but if no decreet follow It is thought they will be to no purpoſe, yea albeit a Sentence paſs on another Summonds for the ſame very Debt, and this Inhibition and Arreaſtment being a part of the method propoſed, is here ſet down.*

Inhibition on a depending Action, *containing Arreistment.*

CHARLES *&c.* —— to Messengers —— forsameikle as it is humbly meant and showen to us by *W. G.* of —— that where the said Complainer has *Summonds* and Action intended, and depending at his Instance before our Lords of Council and Session, against *W. B.* as Son and Heir *Served* and Retoured to the deceast *A.B.* of —— his Father, and *G. D.* as Son and Heir Served and Retoured to the deceast *C.D.* of —— his Father, *I.B.* as *Son* and Heir served & retoured to the deceast *A B.* of —— his Father, and upon the remanent *passive Titles*, and their Tutors and Curators for their Interest, touching the decerning the saids *W. B. G. D.* and *I. B.* upon the *passive Titles* above-specified, or one or other of them, and their saids Tutors and Curators for their Interest, by Decreet of our saids Lords to make payment to the said Complainer of the Sum of —— *Scots* Money of *Principal*, —— of *Expenses*, and Annuals of the said Principal Sum of all Years and Terms bygone, Resting, Owing, unpayed; and sicklike yearly and Termly in time coming, during the not payment thereof, (the terms of payment of the samen beig first come and bygone) conform to a Bond granted by the said deceast *A. B.* as Principal, and the said *C.D.* as Cautioner for him, conjunctly and severally to *G.D.* thereupon, of the date the ---- day of —— —— years, and Assigned by him to the said Complainer, upon the —— day of —— -- yearsand to an Decreet of *Suspension*, *Recovered* at his Instance as Assigney foresaid, against them in the said matter before the saids Lords the —— day of —— —— years, and an Act of Caution subscribed by the said deceast *A. B.* as Cautioner for them in the said matter, the time of their Suspending dated the —— day of —— —— years, as the saids *Summonds* and Action duely Execute, showen to the saids Lords, has testified, and the saids *W. B. G. D.* and *I. B.* and their saids Tutors and Curators knowing perfectly that they will succumb in the foresaid Action, and that the said Complainer will prevail and obtain Decreet *Condemnator* against them thereintil, they (in manifest Defraud, Hurt, and Prejudice of him thereanent) intend (as he is informed) to Sell Annalzy, Wodset, Dispone, Resign, Renunce Dilapidat, and put away all and sundry the said *W. B. G, D.* and *I. B.* their Lands, Heretages, (*here to follow forth the rest of the former Inhibition, till ye come to the Will*, and then say) *Our Will is Herefore*, and We charge you strictly, and Command, that incontinent, thir Our Letters seen, ye pass, and in Our Name and Authority Inhibit and Discharge the said *W. B. G D.* and *I. B.* personally, or at their Dwelling-places, and their saids Tutors and Curators for their Interests, by open Proclamation, at the Mercat Cross of and others places needfull, that they on no ways Sell Annalzy, Wodset, Dispone, Resign, Renunce, Dilapidat, or put away any of the said *W. B. G. D.* and *I. B.* their Lands, Heretages, Annualrents, Liferents, Reversions, Milns, Woods, Fishings, Tacks, Steedings, Rooms, Possessions, or others pertaining and belonging to them, nor make or grant any privat or publick Alienations, Dispositions, Wodsets, Assignations, Resignations, Renunciations, nor others, Rights or Securities thereof, to no person nor persons, nor Contract, nor take on Debts, nor give no Bond, or other Security therefore, nor do no other Fact or Deed directly or indirectly in any sort, whereby the Right of the saids Lands and others foresaids, may be any ways Evicted, Appryised, or Adjuged from them, —— in Defraud, Hurt or Prejudice of the said Complainer, anent the Implement and Fulfilling to him of the foresaid Decreet when obtained, and payment making to him of the Sums of Money to be contained therein, and sicklike that ye in Our Name and Authority foresaid, Inhibit and Discharge all and sundry Our Leidges and others, whom it effeirs, by open Proclamation at the Mercat-cross of and other places needfull, that they on no ways presume, nor take upon *hand* under whatsomever *Collour*, of pretext, to Buy, Block (*here to follow forth the Conclusion of the former Inhibition, till ye come to according*

to

to Juſtice, and then add the Arreaſtment, in the words following, *viz.* and als that ye in Our Name and Authority foreſaid, Fence and Arreaſt all and ſundry the ſaids *W. B. G. D.* and *I. B.* their readieſt Goods, Gear, Corns, Cattle, Inſight, Pleniſhing, Horſe, Nault, Sheep, Debts, Sums of Money, Mails and Duties of Lands, and others pertaining and belonging to them, wherever or in whoſe hands the ſame may or can be apprehended, to remain under ſure fence and Arreaſtment at the Inſtance of the ſaid Complainer, ay and while ſufficient Caution and Soverty be found, Acted in our Books of Council and Seſſion, that the ſame ſhall be made forth-coming to him, as accords of the Law, according to Juſtice, becauſe the Lords have ſeen the Dependance above-written Execute, as ye will anſwer, *&c.*

Ex Deliberatione Dominorum Concilii.

Nota, *Albeit the foreſaid Arreſtment be looſable on Caution, yet there be other Arreſtments that can neither be louſed or purged but by payment*, viz. *ſuch Arreſtments as are raiſed on Regiſtrat Bonds or Decreets, the Concluſion whereof muſt be to remain under Arreſtment, ay and while payment be made, and not till Caution be found vt* ut ſupra, *and albeit the Lords at Parties deſire ſometime grant louſing of all Arreſtments generally upon Caution, not knowing that they are laid on by vertue of regiſtrat Bonds or Decreets, yet it is periculo Impetrantis, and to no purpoſe, having its Doom in the very boſome*; viz. *In the Deliverance of the Bill in thir words*, fiat ut petitur, *ſo being the ſame be not made by vertue of a Decreet, becauſe ſuch a perſon is become Caution*, &c.

But to proceed, *we ſhall ſuppoſe that Arreſtment is both raiſed and execute, and ſo muſt be louſed; In which caſe the Letters following is requiſite.*

LETTERS of Louſing ARRESTMENT.

CHARLES *&c.* To Meſſengers —— Forſameikle as it is humbly meant and ſhown to us by *W. B. G. D.* and *I. B.* and their Tutors and Curators for their Intereſts, that where *W. G.* of —— has upon his pretended manner raiſed others Letters, and therewith cauſed Fence and Arreſt in the hands of divers and ſundry perſons (the ſaids Complainers *Debitors*) all and ſundry Goods, Geir, *Debts*, Sums of Money, Mails, Ferms, and Duties of Lands, and others pertaining and belonging to them, to remain under ſure Fence and Arreſtment, at the Inſtance of the ſaid *W. G.* ay and while ſufficient Caution and Soverty be found, acted in our Books of Council and Seſſion, that the ſame ſhall be made furthcoming to him as accords of the Law, and will not conſent to the louſing of the ſaid Arreſtment moſt wrongouſly and unjuſtly, *Conſidering* it is of verity, that the ſaids Complainers were never Debitors to the ſaid *W. G.* in any *Sums* of Money whatſoever, by Bond or otherways, which in the leaſt might produce or afford ground for any ſuch pretended Arreſtment: But the truth is, the ſame is raiſed and layed on out of meer *Malice*, to expoſe the ſaids Complainers to Charges and Trouble, and yet notwithſtanding thereof, the ſaids Complainers for Obedience have inſtantly found ſufficient Caution, acted in our Books of Council and Seſſion, for making the ſaids Goods, Geir, Debts, Sums of Money, and others above ſpecified pertaining to them, and arreſted at the inſtance of the ſaid *W. G.* in manner foreſaid, furthcoming to him as accords of the Law, and that for louſing all and ſundry Arreſtments made or to be made thereon, at the inſtance of the ſaid *W. G.* and therefore the foreſaid pretended Arreſtment ought and ſhould be louſed, and thir our Letters direct for that effect in manner after-ſpecified,

as is alledged. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, louſe the foreſaid pretended Arreſtment, made and laid on at the inſtance of the ſaid *W. G.* upon the foreſaids Goods, Geir, Debts, Sums of Money, Mails, Ferms, Profites, and Duties of Lands and others *reſpective* above-ſpecified, pertaining to the ſaids Complainers, in manner foreſaid, and how oft any ſuch pretended Arreſtment beis made or laid on upon the ſame, at the inſtance of the ſaid *W. G.* hereafter; That ye in our Name and Anthority foreſaid louſe the ſame alſo oft of new again, upon the foreſaid Caution already found in the ſaid matter, and that ye intimat the louſing of the ſaid Arreſtment to the ſaid *W. G.* perſonally, or at his Dwelling-place, and deliver to him an Copie ſubſcribed with your hands, or affix and leave the ſame in the Lock-holl of the moſt patent Gate or Door of the ſaid Dwelling-houſe, or deliver the ſame to his Wife or Servants in his Name, containing the day of the louſing of the ſaid Arreſtment, Witneſs preſent at the louſing thereof, and Cautioner found therein, their Names, Sirnames and Deſignations, that no Ignorance of the Premiſſes may be pretended, otherways the foreſaid pretended Arreſtment to ſtand and remain unlouſed, notwithſtanding of the foreſaid Caution found in the ſaid matter in manner above-expreſt, according to Juſtice, ſua being the foreſaid Arreſtment be not made by vertue of a Decreet, becauſe *P. D.* of —— is become Cautioner for the Complainers, to the effect abovementioned, as ye will anſwer, *&c.*

Ex deliberatione Dominorum Concilii.

But to begin where we left, as to the purſuite againſt the Heirs for their Fathers Debt. The next thing to be done is, *to execute the Summonds aforeſaid, againſt the ſaids Heirs and their Tutors and Curators, according to the Warrand; Which being done, and the day of Compearance elapſed, then the Summonds muſt be called, and if none appear, Decreet is had for null-Defence; But if any compear for the Defender, the Proceſs is marked by the Clerk, and thereafter the ſame with the grounds thereof given out to the adverſe Advocat to ſee, who returning the ſame, the caſe is to be Inrolled, and both Parties compearing, in which Inſtance, if the Defender cannot eleid the Debt, they muſt either ſuffer Decreet to paſs againſt them, as lawfully charged to enter Heirs (if the Purſuers inſiſt on that paſſive Title) or elſe (res being* integra*) renunce to be Heirs; In which caſe Adjudication follows, (as afterward appears) But concluding here the Defuncts to be of opulent Fortunes, and that the Defenders will not renunce, but on the contrair ſuffer Decreet to paſs, then Perſonal and Real Execution may enſue thereon, as follows: And firſt as to Perſonal Execution, which begins with.*

HORNING and POYNDING on a Decreet before the LORDS.

CHARLES, &c. to Meſſengers —— forſameikle as, our Lovit *W. G.* of —— obtained a Decreet at his inſtance, before our Lords of Council and Seſſion, upon the day and date of thir preſents, againſt *6 W. B.* as Son, and lawfully charged to enter Heir to the deceaſt *A. B.* of —— his Father *G. D.* as Son, and lawfully charged to enter Heir to the deceaſt *C. D.* of —— his Father, & *I. B.* as Son, and lawfully charged to enter Heir to the deceaſt *A. B.* of —— his Father, conjunctly and ſeverally, and their Tutors and Curators (if they any have for their Intereſts) decerning and ordaining them (for the Cauſes therein ſpecified (to make payment to the ſaid *W. G.* as Aſſigney after-ſpecified) of the Sum of —— *Scots* Money as Principal —— Money foreſaid of Expenſes, and Annuals, of the ſaid principal Sum, of all years and

Terms

Terms bygone, reſting, owing unpayed, and ſicklike yearly and termly in time coming, during the not payment thereof (the terms of Payment of the ſame being firſt come and bygone) conform to a Bond granted by the ſaid deceaſt *A. B.* as principal, and the ſaid *C. D.* as Cautioner for him, conjunctly and ſeverally to *G. D.* thereupon of the date the —— day of —— 16 —— years, and Aſſignation made by the ſaid *G. D.* to the ſaids *W. G.* of the ſame —— dated the —— day of —— years, and Decreet of Suſpenſion recovered in the ſaid matter before our Lords of Council and Seſſion, upon the —— day of —— years, and Act of Caution ſubſcribed by the ſaid *A. B.* as Cautioner for the ſaids *A. B* and *C. D.* the time of the obtaining of the foreſaid Suſpenſion, dated the —— day of —— years, in manner ſpecified in the ſaid Decreet (8) as the ſame of the date foreſaid, Ordaining thir our Letters to be direct thereupon in manner under-written, at more length proports. (6) *Our will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, command and charge the ſaids *W. B. G. D.* and *A. B.* conjunctly and ſeverally, perſonally, or at their dwelling-places, and their Tutors and Curators if the any have for their Intereſts, by open Proclomation at the Mercat-croſs of —— and other places needful, to make payment to the ſaid *W. G.* of the foreſaids Sums of —— Money foreſaid of Principal, and of the foreſaid Sum of —— Money foreſaid of Expenſes, together with the Annuals of the ſaid Principal Sum of all Years and Terms bygone, Reſtand, Owand, Unpayed; and ſicklike Yearly and Termly in time coming during the not payment thereof, the Terms of payment of the ſame, being firſt come and bygone) after the Form and Tenor of the ſaid Decreet, in all Points within fifteen days next after they be charged by you thereto (*here to follow furth the Stile of the firſt Horning in the Book, till ye come to after the Form and Tenor before, according to Juſtice*, and then ſay, after the Form and Tenor of the ſaid Decreet, in all Points according to Juſtice, *&c.*

Per Decretum Dominorum Concilii.

Nota, *That albeit Tutors and Curators be charged for their Intereſts (ſeing without they be diſcuſt, or rather put in knowledge by a Charge, the Minors cannot ſuffer in Law) yet they cannot be denunced to the Horn, Regiſtrat thereat, or Caption raiſed againſt them for the Minors Debt (as may be againſt the Minors themſelves) Nor yet can their Goods be poynded, or their Lands appryſed therefore.*

And yet *if a Tutor be not only conveened as Tutor, but alſo as Intrometter with the Minors Eſtate, and that it be lybelled againſt him that he has als much in his hands as will ſatisfie the Creditor of the Debt*, ex hoc poſteriore Titulo, *the Tutor may be decerned to pay the Debt, and conſequently be denunced —— alswell as Charged, but this is not* tanquam Tutor ſimpliciter, ſed tanquam lucratus: *But ſuch Lybels ſeldom occur, yet amongſt the Stile of Summonds it is found.*

There is an other thing *to be adverted to*, viz. *What differ is there betwixt a Horning raiſed on the Lords Decreet, and on the Decreet of an inferior Judge, which ye may eaſily take up the Stile of the former Horning on the ſaids Lords Decreet, being firſt conſidered, for nothing alters ſave thir Poynts.* 1. *Whereas the former ſays, Forſameikle as* W. G. *obtained decreet ——, ye muſt in the other ſay, Forſuameikle as it is humbly meant and ſhown to us by* W. G. of —— *That whereupon the —— day of —— years, the ſaid Complainer obtained a Decreet at his inſtance before the ſheriff of —— and his Deputs, againſt* W. B. —— (here take in the Narrative of the former Horning from this 6 Figure, till ye come to this 8 Figure, only ſay, *whereas the former Horning ſays*, to make payment to W. G. *ſay in the other*, to the Complainer, *the o-*

ther being per Decretum, This by Bill, *and then ſay, as the Decreet of the date foreſaid in it ſelf more fully proports, whereupon the ſaid Complainer raiſed the ſaid Sheriffs* Precept, *and by vertue thereof, cauſed charge the ſaid* W. B. G. D. *and* A. B. *and their ſaids Tutors and Curators to make payment to him of the ſaids ſums, within the ſpace, and under the pains contained in the ſaid* Precept, *as the ſame duely Execute and indorſt, ſhown to our Lords of Council and Seſſion has teſtified; which Precept and Command whereof they have not, nor will not obey without they be compelled, as is aledged,* and then follow forth the will of the former Horning, till ye come to thir words, Still after the Form and Tenor, and in lieu of the former ſay, *After the Form and Tenor of the ſaid Decreet, and Precept raiſed thereupon, and Executions thereof in all Points according to Juſtice, becauſe the Lords have ſeen the Precept above-written execute, as ye will anſwer* —— *and conclude in lieu of* per Decretum, ex deliberatione ——

If the Decreet be obtained, *before any other Inferior Judge than a Sheriff then the Precept will ſhow it, and nothing in that caſe is to be altered, except the Denomination of the Judge,* viz. *Commiſſar, Provoſt, and Baillies of the Burgh of* —— *Stewart of the Stewartry of* —— *or Baillie of the Regality of* —— *(for before thoſe, and the Lords of Seſſion Civil Cauſes are only to be purſued(at leaſt on their Decreets, only Horning is granted, only advert that there is Precept direct on all Inferior Decreets, except on Burrow Decreets, whereon if the Horning be* Raiſed *it muſt alter in this,* viz. *This on the Magiſtrats Decreet muſt ſay, as the ſaid Decreet of the date foreſaid, Ordaining Execution to paſs thereupon, in manner therein-ſpecified, and whereupon Execution has followed, by one of the Burrow Officers of the ſaid Burgh, in manner-ſpecified, in the Executions of the ſame, ſhowen to the Lords, has teſtified: Nevertheleſs the ſaids —— wrongouſly* Refuſe, Poſtpone *and defer to make payment to the ſaid Complainer of the ſaids* Sums, *albeit they have been oft and divers times deſired and required thereto, without they be compelled, as is alledged,* and then follow forth the Will of the other Letters, only in the *Words after the Form and Tenor omit (Precept Raiſed thereupon, and in Lieu thereof, ſay, Charge given by* Vertue *thereof) and after according to Juſtice (* Inſert the becauſe on the back of the Bill, *and then conclude* ex Deliberatione ut ſupra.

It would be Adverted, *that there is other Judges Inferior, that alſo meddle, and pronounce Decreets in Civil matters, (yet but Trivials, as Baron Baillies, and Baillies, twixt Maſter and Tennent, and the like, but no Horning will be granted thereon, without there be an Decreet of Interpoſition of a higher Judge.*

No *Horning, or real Execution can paſs upon* Bonds *Regiſtrat in Inferior Books, or* Decreets *Recovered before Inferior Courts, unleſs a Precept be Raiſed thereon, and that a Charge be given by Vertue thereof, and it firſt expired.*

There be divers Natures *of Hornings, beyond what inſert in the preceeding* Stiles *or Obſerves, as Hornings upon Contracts, and the like* Writes *for fullfilling and performing of Perſonal* Deeds *and Obligements, which to condeſcend upon, in this current of a Stile, were a Labyrinth, and ſo are referred to the* Stiles *a part.*

But to Proceed, *thir Hornings (whether upon a Superior or Inferior* Decreets *) being lawfully Execute, and the days elapſed, the Parties may be Denunced, Regiſtrat at the Horn, Caption, Second Caption, and all other Diligence may enſue thereon, according to the former* Stiles: *To which ye are Referred with this Alteration, that whereas the former Captions mention the Sums to be contained in a Bond made by ſuch perſons, [as on life] ye muſt ſay here made by the deceaſt ſuch perſons —— according to the* Tenor *of the Horning,*

and

and then add, as alſo contained in a Decreet, *Recovered at the ſaid Complainers Inſtance, againſt the ſaids* W. B. G. D. *and* I. B. *as lawfully charged to Enter Heirs to their ſaid deceaſt Fathers before —— upon the —— day of —— —— years.*

If the Party deſire *Inhibition on the foreſaid* Decreet, *then the ſamen is to bear the Narrative of the Horning raiſed thereon, till ye come till as the ſaid* Decreet, *and then ſay as the ſaid* Decreet *of the date foreſaid, ſhown to the Lords has teſtified, and thereafter ſay, and the forenamed perſons knowing perfectly, that the ſaid Complainer is to ſuit all manner of Execution, both Perſonal and Real againſt them, and their ſaids Tutors and Curators for their Intereſts, they in manifeſt Defraud, Hurt, and prejudice of him thereanent, intend (as he is informed) to Sell Annalzy.* (here follow forth the Stile of the Inhibition on the Dependance, *only in Lieu of thir Words in the Will, anent the fullfilling to him of the Decreet, when obtained, ſay (now ſince it is obtained) the fullfilling to him of the ſaid* Decreet, *and payment making to him of the foreſaid Sums therein contained.*

There is ſome other Diligence in *Law*, whereby men ſecure themſelves, and that is, *by taking their Debitors Eſcheat, or Liferent, or both upon a legal Horning, the Stile whereof is here omitted, becauſe all Gifts are proſecute a part, only here know, that Eſcheats do not fall upon general Hornings, as that at an Procurator Fiſcals Inſtance, for Confirmation of Teſtaments, Hornings at Miniſters Inſtance, againſt all and ſundry Hornings againſt Witneſs, and the like, but upon Hornings for real Debts and Deeds preſtable or on Criminal Sentences (where perſons are declared Fugitives) and the like, and beſides ſingle Eſcheats only fall when Perſons are* Denunced *at the Croſs of the head Burgh, where they dwell for the time (whether Sheriffdom, Regality, or Stewtry) and Liferent Eſcheats falls only, when a Perſon is* Denunced *at the head Burgh of the Shire, or other Juriſdiction where his Lands and Eſtate lyes : So that if he hath Lands in divers Juriſdictions, if he be not* Denunced *at all the Croſes, his Eſcheat (I mean the Liferent) only falls as to the Lands, within that Juriſdiction where he is Denunced, and it is not to be forgot, that the Horning muſt be Regiſtrat within fifteen days after* Denunciation, *but alſo the Regiſtration muſt be either in the general Regiſters for all, or in each particular Regiſter, where there is Land belonging to the Rebel, and as in the Declarator, the Solemnities and Formalities of the Executions of the Chargers, Denunciation will be tryed; ſo the Party would advert that the Meſſenger be formal in both, leaſt all the diligence be caſten, and the Gift fall in conſequence as has often been. There is alſo a Denunciation at the Croſs of* Edinburgh, *of any Perſon als well outwith, (as within the Shire) whereon only Caption follows but if he live within, and have Lands therein, both ſingle and Liferent Eſchats fall, and in the* interim *the Denunciation ſecludes from* perſonam ſtandi in judicio : *but it is prevented by Relaxation, duely Regiſtrat.*

Yet *this Priviledge of denuncing any Perſon at* Edinburgh Croſs *(whether out with the Shire or not) is only introduced in favours of the City of* Edinburgh, *as the Metrapolitan of the Kingdom, and none els, even as that Clauſe in the period of all Captions, both in Civils and Criminals, and if thir*

Our Letters be put to Execution within the Burgh of Edinburgh, *that the Concurrence of the Magiſtrats thereof be required and had thereto, whereas no Caption follows on Denunciations at other Croſſes, againſt any Perſons (except that of the Juriſdiction, within which the Debitor reſides, as ſaid is) but allenarly on Criminal Denunciations) for wherever the Juſtice Court holds, there they declare Fugitive, and denunce) or on Exchequer Charges for they denunce for the Kings Rents, and what elſe is* Regium, *as Captions and the like at* Edinburgh *Croſs, as the Head-Burgh of the Kingdom, there being expreſs Acts of Parliament and Exchequer for the ſame.*

There is an other Diligence in *Law*, by which Men attain to payment, and that is by poynding of the Debitors Moveable-Goods; *which uſually is done, by vertue of Letters of Horning containing Poynding, or by vertue of Precept of Poynding upon inferior Decreets, after the day of the Charge is elapſed; If by vertue of the firſt the Goods be legally poynded, there is the leſs difficulty, but if by vertue of the laſt, then this doubt may ariſe.* viz. *The Meſſenger or Officer comes to Poynd, and yet cannot, there being no patent Doors or Warrant to make any, and ſo muſt return* re infecta; *Or is it in the power of an inferior Judge to grant ſuch Warrants, nor wants thoſe that Poynd by vertue of Letters of Horning, the ſame Encounter, yet uſually they have Letters of Caption, and under pretext of ſeeking the Rebel, they make open Doors, and once patent, then upon the other Letters they poynd, which pretext the others want. But ſuppoſe that there be no Letters of Caption, the one or the other once going to poynd, and finding no Acceſs, and the Party exhibiting the Horning or Precept, with the Execution of* non acceſſus ad diſtringendum, *to the Lords they uſually grant the Letters following, which we ſhall ſuppoſe to be on a Precept, becauſe that moſt frequently occurs.*

LETTERS of OPEN-DOORS.

CHARLES—to Meſſengers—forſameikle as it is humbly meaned & ſhown to us by *W. G.* of—that where upon the—day of—the ſaid Complainer obtained a Decreet at his inſtance, before the Sheriff of—and his deputs, againſt —— decerning and Ordaining them to make payment to him of the ſum of —— Principal —— of Expenſes and Annuals of the ſaid principal ſum, of all Years and Terms bygone, Reſtand, Owing unpayed, and ſicklike yearly and termly in time coming, during the not payment thereof, the terms of payment of the ſame, being firſt come and bygane, in manner and for the Cauſes ſpecified in the ſaid Decreet, as the ſame of the date foreſaid, ordaining Letters and Executorials to be direct thereupon, in manner under-written at more length proports, (2.) Whereupon the ſaid Complainer, not only raiſed the ſaid Sheriffs Precept, and by vertue thereof, cauſed charge the ſaid ——to make payment to him of the foreſaid ſums contained in the ſaid Decreet, within the ſpace, and under the pains contained in the ſaid Precept, but alſo after the ſaid Charge was elapſed and expyred; He cauſed *A. H.* Meſſenger paſs, upon the —— day of —— years, to the dwelling-houſes of —— where they reſide, and have their actual reſidence, to have Poynded and diſtrinzied their readieſt Moveable Goods and Geir for the ſaids ſums, but he could not have Acceſs thereto, by reaſon of the Lock-faſt doors, as the ſaid Precept and

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Executions ſhown to our Lords of Council and Seſſion has teſtified; wherefore neceſſar it is to the ſaid Complainer, to have thir our Letters direct at his inſtance againſt them, in manner, and to the effect after-ſpecified, as is alledged. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Fence, Arreſt, Appryſe, Compel, Poynd and diſtrinzie the ſaids —— their readieſt Goods, Geir, Cattel, Inſight, Pleniſhing, Horſe, Nolt, Sheep, debts, ſums of Money, and other Moveable Goods and Geir poyndable and diſtrinziable, pertaining and belonging to them, where-ever the ſame may or can be apprehended, make Penny thereof, and failzing of the ſame, that ye Appryſe all and ſundry their Lands and Heretages, conform to the Act of Parliament, to the Avail and Quantity of the ſaids Sums; and if need beis, that ye make ſteekled and Lock-faſt-houſes, Yeats and doors open and patent, and uſe our Keyes thereto, according to the Order uſed and obſerved in the like caſes, and make the ſaid Complainer compleatly payed of the ſaids ſums, after the Form and Tenor of the ſaid Decreet, Precept raiſed thereupon, and Executions thereof in all Poynts, according to Juſtice, becauſe the Lords have ſeen the Precept above-written, execute as ye will anſwer, *&c.*

Ex deliberatione Dominorum Concilii.

If the Grounds of thir Letters, *by Horning and Poynding, and not a Precept, then there is nothing to be altered, but only whereas the one ſays,* raiſed Precept, *the other muſt ſay* Letters of Horning containing Poynding and Arreſtment, *and als oft as the Word* Precept *is mentioned, omit the ſame, and let the other be mentioned in lieu thereof; And withal, if the Horning and Poynding be raiſed on the Lords Decreet, then whereas ye ſay in the former Letters as to the inferior Decreet at more length proports, becauſe the Precept is the Warrand of the Charge and Poynding, and only produced, and not the Decreet in this laſt Caſe, ye muſt ſay,* ſhown to the Lords, *has teſtified for the ſame muſt be ſeen the time of the paſſing of the Bill.*

The next Diligence remaining whereby a Perſon may attain payment, is Arreſtment, *and this either is done by vertue of Letters of Arreſtment, raiſed upon a Dependence, or by vertue of a Precept on inferior Decreets, or Bonds regiſtrat in inferior Books, or by vertue of Letters of Horning, containing Poynding and Arreſtment, or by vertue of Letters raiſed on a Bond, unregiſtrat, or if within Burgh by vertue of a Magiſtrats immediat verbal Warrand, which* inter Concives *is ſufficient, the Officer verifying his Execution upon Oath, and as to thoſe Arreſtments upon Dependences, unregiſtrat Bonds, and by vertue of Magiſtrats Warrands they are louſable upon Caution, but for ſuch as are upon Decreets, or regiſtrat Bonds (which in effect is alſo a Decreet, becauſe the Judge in whoſe Books regiſtrat interpones his Authority to it, and ſo is equivalent) they cannot be louſed, and in either of the caſes this muſt be the Creditors courſe to make the Sums arreſted effectual,* viz. *If the ſums arreſted be by vertue of a Decreet, then Summonds muſt be raiſed for making arreſted Goods forth-coming, either before the Lords, (if the Arreſtment be made, by vertue of their own, or any other Warrant) or before inferior Courts (if by vertue of an inferior Warrant done) and in this Purſuit, none is to be called but the Partie to whom the Money belongs, and the Party in whoſe hands arreſted, and the Summonds ye will find amongſt the other Stiles of that nature, but if the Arreſtment be not made by vertue of a Decreet, but upon the other grounds aforeſaid, and ſo louſable on Caution, and* de facto *being louſed, and Caution found, ye muſt alſo raiſe Summonds of the nature aforeſaid, only in this laſt caſe ye muſt conveen the Cautioner in the louſing of Arreſtment in the Summonds, als well as the Party whoſe Sums are arreſted, and in whoſe hands the Arreſtment is made, and conclude payment againſt the Cautioner, as againſt*

the perſon who owes the Money arreſted, and the Bond of Caution would be extracted, and particularly lybelled in the Summonds.

Yet it is not to be forgot, *that before this Proceſs be diſcuſt or ſuſtained, there muſt be Decreet had in the principal cauſe, conſtituting the Debt for which Arreſtment is made, and muſt be lybelled.*

There is an other Doubt *that may ariſe in thoſe Actions for making arreſted Goods forth-coming*, viz. *albeit Summonds before the Lords reach perſons alswell without as within the Countrey, their Authority being abſolute and univerſal, yet what ſhall be the Creditors Courſe when his Arreſtment is by vertue of an inferior Warrant, as a Precept, or Magiſtrats Command, and when the furth-coming is purſued before an inferior Court, and when the Debitor is within an other Shire or Juriſdiction (then that where the perſon in whoſe hands the Money is arreſted dwells) and conſequently cannot be cited or conveened by vertue of that Judge his Precept, within whoſe Juriſdiction the perſon in whoſe hands the Money was arreſted, remains as ſaid is, albeit there be a neceſſity he be cited for his Intereſt, it is anſwered, that the Debitor outwith the Countrey, or in an other Shire —— may be conveened, by vertue of Letters direct for that effect, by the Lords deliverance uſually called.*

LETTERS in SUPPLEMENT.

CHARLES —— To Meſſengers —— ſhowen to us by *W. G.* of —— *that where here to Inſert the Narrative of the Precept of Arreaſtment*, I mean the Tenor of the Decreet, which is the Ground thereof, as ye find it decerned in the *Letters for Open Doors, till ye come to this Mark or figure* (2) and then ſay) whereupon the ſaid Complainer Raiſed the ſaid Sheriffs Precept, *and by Vertue thereof* cauſed Charge the ſaids *W. B. G. D.* and *I. B.* and their ſaids Tutors and Curators for their Intereſts, to make payment to him of the foreſaids Sums, within the ſpace, and under the Pains contained in the ſaid Precept, as alſo cauſed *A. M.* Sheriff-Officer paſs upon the —— day of —— and lawfully Fence, and Arreſt in the hands of *H. D.* of —— the Sum of —— leſs or more Addebted and Reſtand, Owand by him to the forenamed Perſons, to remain under ſure Fence and Arreſtment at the Inſtance of the ſaid Complainer, ay and while he were payed of the ſaids Sums, contained in the ſaid Decreet and Precept raiſed thereupon, as the ſaid Decreet, Precept and Executions thereof, in themſelves more fully proport: Likeas, the ſaid Complainer has raiſed Summonds, & intented Action for making the foreſaid Sums ſwa Arreſted, furth-comand againſt the ſaid *H. D.* before the ſaid Sheriff of —— and his Deputs, and in reſpect, that no Proceſs can be ſuſtained in the ſaid Action, untill the ſaid *W. B. G. D.* and *I. B.* and their ſaids Tutors and Curators called therein for their Intereſts, and that they being out with the ſaid Sheriff his Juriſdiction, cannot be coveened by vertue of his Precept: therefore neceſſar it is for the ſaid Complainer, to have thir Our Letters direct at his Inſtance againſt them, for convening them for their Intereſts in the ſaid Proceſs, *and that in Supplement* of the ſaids Sheriffs Precept, in manner after-ſpecified; as is alledged: *Our Will is Herefore*, and We Charge you that ye (in Supplement of the ſaid Sheriffs Precept) lawfully Summond, Warn and Charge the ſaid *W. B. G. D.* and *I. B.* perſonally, or at their Dwelling-places, and their Tutors and Curators if they any have for their Intereſts, by open Proclamation at the Mercat-croſs of and other places needfull, to compear before the ſaid Sheriff and his Deputs, within their Ordinar Court-place, where they uſe to ſit for Adminiſtration of Juſtice, the . day of or any other day or dayes to be appointed by them for that Effect, in the hour of Cauſe, to hear and ſee the Premiſſes ſufficiently verified and proven, to be of Verity, and being verified

verified and proven, to hear and ſee the ſaid *H. D.* in whoſe hands the foreſaids Sums were Arreſted, as ſaid is, decerned by the ſaid *Sheriff* and his Deputs their Decreet, to make forth-comand payment, and Deliverance to the ſaid Complainer of the foreſaid Sum of —— leſs or more, Addebted and Reſtand, Owand by him to the forenamed perſons, and Arreſted in his hands, in manner foreſaid, at leaſt ſo much thereof as will ſatisfie and pay him of the foreſaids *Sums* of Money, Principal, Annualrents, and Expenſes *reſpective* above-ſpecified contained in the ſaid Decreet, after the Form and Tenor thereof, Precept raiſed thereupon, and Arreſtment made by Vertue thereof in all Points, or els to alledge before the ſaid *Sheriff* and his Deputs an reaſonable Cauſe, why the ſame ſhould not be done, with Certification to them, if they failzie the ſaid *Sheriff* and his Deputs will proceed in the ſaid matter, and decern therein, according to the *Deſire* and Tenor of the ſaid principal Libel, and Summonds raiſed againſt them, and the ſaid *H. D.* thereanent, in all Points: according to Juſtice, as ye will anſwer, *&c.*

Ex Deliberatione Dominorum Concilii.

Thir *Summonds or Letters in Supplement muſt be Execute on* 15 *dayes, according to the nature of the Principal Summonds, all inferior Citations being on no fewer dayes, except within Burgh, where fewer according to the Cuſtom of the Place are uſed.*

If the Parties Cited for their Intereſt be out of the Country, then the Citation muſt be at Edinburgh *Croſs and Peer of* Leith, *on* 60. *dayes; and the Letters muſt bear a Warrand* ad hunc effectum, thus whereas in the Narrative, *it is ſaid, that they being outwith the Juriſdiction, in this caſe, ye muſt ſay* Outwith the Realm, and in the Will ye muſt ſay, *perſonally, or at their Dwelling-places, if they be within this Realm, and if forth thereof, by open Proclamation at the Mercat-Croſs of* Edinburgh, *and Peer and Shoar of* Leith, *and their Tutors and Curators* ut ſupra, &c.

This Decreet *for making Arreſted Goods forth-comand, being obtained,* Letters of Horning, *and all other Execution both Perſonal and Real may enſue thereupon, according to the former Stiles, and are here omitted* brevitatis cauſa, *only that ye may know the Strain of the* Narrative *of ſuch Letters as are Raiſed on ſuch Decreets, I have here only ſet down a Horning.*

HORNING and POINDING.

CHARLES—— To Meſſengers——forſameikle as it is humbly meaned and ſhowen to us by *W. G.* of—— that whereupon the —— day of —— laſt by paſt, the ſaid Complainer obtained an Decreet at his inſtance, before the *Sheriff* of — and his Deputs, againſt *H. D.* of —— and *W. B. G. D.* and *I. B.* and their Tutors and Curators for their Intereſt, for the Cauſes therein-ſpecified) decerning and ordaining the ſaid *H. D.* to make forth-comand Payment and Deliverance to the ſaid Complainer, of the Sum of —— leſs or more Addebted, and Reſtand, Owand by him to the ſaid *W. B. G. D.* and *I. B.* and Arreſted in his hands at the ſaid Complainers Inſtance, at leaſt of ſo much thereof as will compleatly ſatisfie and pay him of the Sum of —— as Principal, —— of Expenſes, and Annuals of the ſaid Principal Sum bygone, Reſtand, Owand, Unpayed, and in time coming during the not payment thereof, Reſting to the ſaid Complainer by the ſaids W. *B. G. D.* and *I. B.* conform to an Decreet obtained at his Inſtance againſt them, as lawfully charged to enter Heirs to their deceaſt Fathers, and on the remanent *paſſive Titles*, and their ſaids Tutors and Curators their Intereſts before the Lords of Council and Seſſion, upon the ——, day of —— in

manner ſpecified in the ſaid Decreet, for making Arreſted Goods forth-command, as the ſame of the date foreſaid, ordaining Letters and Executorials to be direct thereupon, in manner therein ſpecified, at more length proports: whereupon the ſaid Complainer raiſed the ſaid Sheriffs Precept, and by vertue thereof cauſed charge the ſaid *H. D.* to make payment to him of the foreſaids Sums, contained in the ſaid Decreet, within the ſpace, and under the Pains contained in the ſaid Precept, as the ſame duely Execute and Indorſat, ſhown to our Lords, has teſtified, whilk Precept and Command thereof, the ſaid *H. D.* has not, nor will obey without he be compelled; as is alledged. *Our Will is Herefore*, and We charge you ſtrictly, and Command, that incontinent, thir Our Letters ſeen, ye paſs, and in Our Name and Authority, Command and Charge the ſaid *H. D.* perſonally, or at his Dwelling-place, to make payment to the ſaid Complainer, of the foreſaid Sum of —— leſs or more Addebted and Reſtand, Owand by him to the forenamed perſons, and Arreſted in his hands, in manner foreſaid; at leaſt ſo much thereof, as will compleatly ſatisfie and pay him of the foreſaid Sums of Money, Principal, Annualrents, and Expenſes *reſpective* above-ſpecified, Addebted to him by the forenamed perſons, in manner above-expreſt, after the Form and Tenor of the ſaid Decreet, for making Arreſted Goods furth-coming, and Precept raiſed thereupon, in all Points, within 15 days next after the Charge, under the Pain of Rebellion (*here to follow furth the Will of the former Horning and Poinding on an Inferior Decreet*) according to Juſtice, becauſe the Lords have ſeen the Precept above-written Execute, as ye will anſwer, *&c.*

Ex deliberatione Dominorum Concilii.

It may be Inquired here, *what is the reaſon a definite Sum is not uſually Arreſted*, viz. *the Sum of —— without thir words leſs or more, but Indefinite the Sum of —— leſs or more, as alſo albeit the Sum be ſo Arreſted, what is the reaſon that Judges decern in the like manner, to make payment of the Sum of —— leſs or more —— it is anſwered, that the reaſon why the Sum is Arreſted, Indefinite with the words leſs or more, is, becauſe what is really Owing, is not definitly knowen: and the Reaſon why the Judge* ſo decerns, *is, becauſe the Party in whoſe hands the Sums are Arreſted, does not compear to depone upon, what really Reſting, which if he do, then the Judge only decerns according to the Depoſition, and it is not to be forgot, that if the Sum really deponed upon, be leſs than the Sum due to the Arreſter, then the Decreet ordains the Defender only to pay that Sum in part of payment of what owing the Purſuer, whereas in caſe of Abſence both the words leſs or more is added in the Decerniture, and the Sum Arreſted with the words leſs or more, ordained to be payed with this qualitie*, viz, *at leaſt ſo much as will pay the Purſuer of what Owing to him ſeing what Owing by the perſon decerned is not really knowen, or whether it be more or leſs then what Owing to the Purſuer: ſo that the Writter in Raiſing of Letters of Horning or other Diligence upon this Decreet, would notice the words of the Decerniture ſtrict, being ſometimes definite (when the Defender depones upon what Reſting, and ſometimes indefinite (when it is not knowen upon the account of Abſence, as ſaid is, and let the Diligence be according thereto, whether the one way or the other.*

There is ſome other thing, *that may occurr in Purſuits, before Inferior Judges, and that is, the Judge may be in Affinity or Conſanguinity with the Purſuer, and ſo nothing but Partiality expected, or the Judge probably may through ignorance of the Laws repell a relevant Diſence proponed for eleiding of the Purſuit, or the Judge may have Intereſt in the Debt Purſued for and the like, and ſo nothing but Iniquity can be expected, in lieu of wholeſome Juſtice: What then ſhall be the Defenders Courſe for preventing thir ſtroak of Injuſtice?*

ſtice? The Anſwer is clear, *for the Law has provided a Remedy in the Caſes aforeſaid, or in caſe of deadly Feed,* viz. *the Lords uſually are in uſe upon Addreſs made to them, upon the aforeſaid or the like Reaſons to grant Advocation, the Stile whereof follows, and the Reaſons are omitted, becauſe they varie and alter, according as Caſes alter.*

ADVOCATION.

CHARLES —— to our Sheriffs in that part —— forſameikle as it is humbly meaned and ſhown to us, by *W. B. G. D.* and *A. B.* and their Tutors and Curators for their Intereſt, that where *W. G.* of —— has upon this pretended manner raiſed Precept and Summonds, and therewith cauſed call and conveen them before the Sheriff of —— and his Deputs, touching the decerning of the ſaids Complainers, and their ſaids Tutors and Curators for their Intereſt, to make payment to him of the Sum of —— as Principal —— of Expenſes, and Annuals of the ſaid Principal Sum of all years and Terms bygone, Feſtand, and Owand, Unpayed, and yearly and Termly in time coming, during the not payment thereof, conform to a Bond granted by *A. B.* Father to the ſaid *W. B.* as Principal, and *C. D.* Father to the ſaid *G. D.* as Cautioner for him, to *G. D.* thereupon of the date the —— day of ——— years, and Aſſigned by the ſaid *G. D.* to the ſaid *W. G.* upon the —— day of —— and to an Decreet of Suſpenſion obtained by him againſt the ſaids *W. B.* and *G. D.* Complainers, their ſaid deceaſt Fathers before our Lords of Council and Seſſion upon the —— day of —— and an Act of Caution ſubſcribed by the deceaſt *I. B.* Father to the ſaid *A. B.* for the ſaids deceaſt *A. B.* and *C. D.* in the ſaid matter, the time of the obtaining of the ſaid Suſpenſion, dated the —— day of — in manner and for the Cauſes at length ſpecified, and contained in the Principal Libelled Summonds or Claim, raiſed in the ſaid matter, as the ſame in it ſelf more fully proports: *In the whilk* Action and Cauſe, the ſaid Sheriff and his Deputs intend to proceed, and give furth their final Sentence Condemnator againſt the ſaids Complainers, in the ſaid matter, albeit they be no wayes Judges competent to them thereuntill, and that moſt wrongouſly and unjuſtly, *Conſidering*, it is of verity, (*here inſert the Reaſons as they are in the paſt Bill, only write in the third perſon, as ye are formerly enjoyned*, and ſwa our Lords of Council and Seſſion may evidently perceive how wrongouſly and unjuſtly the ſaid Sheriff and his Deputs intend to proceed in the ſaid matter, and pronunce and give furth their final Sentence Condemnator againſt the ſaids Complainers therein; albeit they be no ways Judges competent to them in the ſaid matter for the Reaſons aforeſaid, and others, *&c.* and therefore the foreſaid Action and Cauſe ought and ſhould be advocat frae the ſaid Sheriff and his Deputs, to our Lords of Council and Seſſion, as only Judges competent, and unſuſpect thereto, and the ſaid Sheriff and his Deputs, and all other Inferior Judges within this our Realm, ought & ſhould be diſcharged from all further Proceeding, Cognoſcing, or Decerning againſt the ſaids Complainers for the ſame in time coming, for the Reaſons and Cauſes foreſaids, and others, as is alledged. *Our Will is Herefore*, and We charge you, that ye lawfully Summond, Warn and Charge the ſaid Sheriff and his Deputs, before whom the foreſaid Action is Purſued, and their Clerk of Court, and the ſaid *W. G.* at whoſe Inſtance the ſame is Purſued for his Intereſt, to compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the day of in the hour of Cauſe, with Continuation of dayes, bringand with them the foreſaid pretended principal libelled Precept, Petition or Claim with the Grounds and Warrands whereupon the ſame proceeded, and hail Acts, War-

rands, and Minuts of Proceſs, and Interloquitors if any be made therein to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame advocat from the ſaid Sheriff and his Deputs, and them and all other Inferior Judges diſcharged from any farder proceeding, cognoſcing, or decerning thereuntill, in time coming, in manner under-written, *attour*, we, and the ſaids Lords of our Council and Seſſion, in our Name have advocat, and hereby advocat the foreſaid Action and Cauſe from the ſaid Sheriff and his Deputs, to the ſaids Lords themſelves, as only Judges competent, and unſuſpect thereto, *Diſcharging* hereby the ſaid Sheriff and his Deputs, and als all other Inferior Judges within this Realm, from all farder proceeding, cognoſcing, or decerning in the ſaid matter, and from all troubling moleſting or Purſuing the Complainers for the ſame, or giving or pronuncing any Decreet or Sentence thereuntill, for the Reaſons and Cauſes foreſaids, and others —— and of their Offices in that part, in time coming, in the mean time while the day of that the verity be knowen, according to Juſtice, as ye will anſwer, *&c.*

Ex deliberatione Dominorum Concilii.

Thir two Blanks in the Will of the Letters, *is ruled by, and filled up according to the back of the paſt Bill, which bears both.*

So much as to Perſonal, and what other Legal Diligence *(except real) uſually falls out* inter vivum & mortuos, *or rather* hæredes mortuorum.

THE *next* Diligence *in Law competent againſt Heirs Repreſenting, or not Renuncing when purſued, is real Execution by Appryſing*, wherein it is requiſite to know if the Debitors be Infeft, and if, then Letters of Appryſing may be raiſed upon the Decreet, the Lands denunced, and Appryſing led, and Infeftment paſt thereupon, according to the firſt Form of Appryſing, only the one is upon a Bond, and the other on a Decreet, but if the Debitors be not infeft as Heirs to their Fathers, then *ante omnia*, there muſt be ſpecial Charge raiſed on the *D*ecreet, charging them to enter Heirs to their Fathers according to the Stile of the former ſpecial Charge, only whereas the former is upon a Bond, and for the Granters own Debt, this is upon a Decreet, and for the Fathers Debt Eſtabliſhed in the Sons perſon by Decreet, ſo that the *S*tile alters in two Points. 1. Whereas the former is on a Bond, and deduces the Narrative thereof, this is on a Decreet and muſt deduce the Tenor thereof according to the Narrative of the Horning on the ſame Decreet, till ye come to the Letter (Q.) before the Will immediatly, whereas the words of the former ſpecial Charge, after the Lands a little, bear to the effect the ſaid Complainer may have all manner of Action, Proceſs and Execution of Appryſing—as ye find in the former Draught, in lieu of theſe words (becauſe the ſpecial Charge is for the Father and not for the Sons Debt) ye muſt in this Stile, inſert the words following, to the effect the ſaid Complainer may have ſicklike Action, Proceſs, and Execution of Appryſing, and others of the Law competent, direct, led, raiſed, uſed and execute at his Inſtance, againſt them and their ſaid Tutors and Curators for their Intereſts, and the ſaids Lands and others above-ſpecified, with the Pertinents, as he might have had direct, led, raiſed, uſed, and execute at his *I*nſtance againſt the ſaid deceaſt *A. B. C.* D. and *I. B.* at any time in their Lifetimes before their deceaſe, or as if they were yet on Life, for payment to him of the foreſaids Sums contained in the ſaid Decreet, wherefore neceſſar it is for the ſaid Complainer to have thir our Letters direct at his Inſtance againſt them in manner, and

and to the effect after-ſpecified, as is alledged: And after this inſert the Will of the former ſpecial Charge, till ye come to thir words *therein, with Certification*, and then forbear, and in lieu of that Certification, inſert this, *viz.* with Certification to them if they failzie, the ſaid Complainer ſhall have ſicklike Action, Proceſs, and Execution of Appryſing, and others of the Law competent, direct, led, raiſed, uſed, and execute at his inſtance againſt them, as lawfully charged to enter Heirs in ſpecial, to their ſaid deceaſt Fathers, as ſaid is, and their ſaids Tutors and Curators for their Intereſts, and the ſaids Lands and others particularly and generally above-ſpecified, with the Pertinents, as he might have had againſt the ſaid deceaſt *A.B. C.D.* and *I. B.* at any time in their Lifetime before their deceaſe, or as if they were yet on Life, or againſt the ſaids *W. B. G. D.* and *A.B.* their Sons, and their ſaids Tutors and Curators for their Intereſts, and the ſaids Lands and others foreſaids if they were entered Heirs in ſpecial, to them therein, in manner foreſaid, for payment to him of the foreſaids Sums contained in the ſaid Decreet, notwithſtanding they willfully ly furth, and will not enter Heirs in ſpecial to them therein in manner above-expreſt: According to Juſtice —— Cloſe according to the former ——

Ex deliberatione Dominorum Concilii.

This ſpecial Charge *being execute, and the days elapſed, Letters of Appryſing may be raiſed, according to the former Stile, adding Tutors and Curators, and with the Alteration of the words (to the effect)* ut prefertur, *and in ſhort the Information for the Meſſenger, the Schedul, the Executions, Claim, Procuratrie, Decreet of Appryſing, Signature, Precept, Horning againſt the Superior, Charter and Seaſin, and all other Diligence may enſue thereupon, according to the former Stile, on the former ſpecial Charge, only in the Production of this Decreet of Appryſing, ye muſt mark produced, the Extract of the Decreet, whereas the former bears the Extract of the Bond to be produced.*

There is an other Appryſing that ſometimes occurs (but raro) *and that is, when a Superior appryſes from his own Vaſſal, in which Caſe it would be known how the Appryſer ſhall be Infeft; I anſwer, that in this one Poynt, this Appryſing differs from the Nature of all other Appryſings (except that after-ſpecified of heretable Bonds and Sums) for albeit in other Appryſings, (except as aforeſaid) as there is Lands appryſed, whereof there is a Fee in the perſon of him againſt whom deduced (whether the Lands be holden of the King or of a Subject) ſo Infeftment muſt paſs, and is abſolutely requiſite; yet in this Caſe there is none requiſite, for the Superior being once Infeft* quoad *the Superiority, and now Appryſing the Property, there is a Conſolidation of both in his perſon, and the Appryſing being allowed, is a ſufficient Right to him, and when the Decreet of Appryſing is to be extended, ye would add (before upon the whilk Appryſing and Deliverance thereof above-written) thir words,* and als *the ſaid Inqueſt, by the Mouth of their ſaid Chancellor, Found, and hereby finds, that the foreſaids Lands and others above appryſed, with the Pertinents, are holden by the ſaid Defender of the ſaid Purſuer, as his immediat lawful Superior, and that therethrough the Right of Property of the ſamen is conſolidat in his perſon, with the right of Superiority,* ad perpetuam remanentiam, *at leaſt during the not Redemption, conform to the Act of Parliament.* And withall, *in lieu of thoſe Words in other Appryſings (where the Judge Ordains the Purſuer to be infeft, to be holden of ſuch and ſuch Superiors) thir words muſt be added;* And I have Ordained, *and by thir preſents Ordains the Right of Property of the ſaids Lands, and other foreſaids to be conſolidat with the Superiority, in the perſon of the ſaid Purſuer, and his foreſaids in time-coming,* ad

perpetuam remanentiam, *at least during the said not Redemption, conform to the Act of Parliament (after the Form and Tenor thereof) in all Points* With full Power *to the said Pursuer and his foresaids, to intromet with, uplift, ask, crave, and receive,* (here to follow furth the Conclusion of other Appryſings.

Nota, *Albeit I desire to take in the first words before,* (upon the whilk Appryſing) *yet when taken in, ye must follow out the Style afterwards, beginning at these words,* upon —— till ye come to the foresaids words, *And I have Ordained, and by thir presents Ordains,* at which leave off, and begin at the other words aforesaid, which I desire to take in, and follow furth the same *usque ad finem.*

It would be observed *also, That in the Claim of this Appryſing, contrair to the Stile of former Claims, bearing in the Petitory Part thereof, a Desire to the Inquest to ordain the Pursuer to be infeft, to be holden of the Immediat Superior* (ut dictum est) *your desire in lieu of that part must be as follows,* viz. *And in respect that the foresaids Lands and others to be appryſed, with the pertinents, are holden by the said —— of my self, as their immediat lawful Superior of the same, that your Wisdoms would find the Right of Property to be consolidat with the Superiority in the person of me, my Heirs and Assigneys, in all time coming,* ad perpetuam remanentiam, *at least during the not Redemption, conform to the Act of Parliament, and this I desire your Wisdoms to do under the most part of your Seals, as use is, and your Wisdoms Answer.*

It is not either *to be forgot, that whereas the other Acts of Court say Appryſed, and appryses* affirmative, *conform to the Claim, and als Ordains the Pursuer to be infeft; In this Appryſing,* (*I mean in the Acts of Court*) *you must say in lieu of these words,* (*and als Ordains*) *and als finds that the said Lands and others appryſed, are holden immediatly by the Defender of the Pursuer, and that therethrough the Right of Property, is consolidat with the Right of Superiority in the Pursuers Person in time coming,* ad perpetuam remanentiam, *at least during the not Redemption, conform to the Act of Parliament.*

Thus having period the Form of the preceeding Appryſing, the next thing to be thought upon is, what Doubts may arise, *as to the said Consolidation and otherways, and because it is extranious to the Work in hand, shall only enumerat and condescend upon a few.*

DOUBTS and QUESTIONS *as to the Consolidation aforesaid, and otherways in Appryſings.*

SOme think *in the case of Consolidation aforesaid, the Superior should produce his Seasin of the Lands, with an Extract of the Vassals, on his Charter or Precept of* Clare Constat *to the Inquest and Judge in the Appryſing, to verefie that the Lands held of the Pursuer: Others think that there is no necessity for both, or either, it being* periculo petentis, *for which there is no Law, and skerse Custome, and Reason would move any to incline to the other rather, and that because the Verdict of the Inquest is, found that the Lands hold of the* Pursuer —— *and that therethrough the Property is consolidat* &c. *which seems to be a thing that would and ought to be instructed, there being little or no Disparity twixt this Consolidation and that in a Service, wherein the Holding must be instructed* Scripto, *by Production of the Superiors Charter and Seasin thereof, to verifie the Poynt of the Brief (of whom holden, and how, and for what Duty) but if it be objected, that*

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the Reasons why Services must be instructed, and this of Appryſings not is in the first, (as to the Service) Error may be committed, but in the other not: It is answered that a Party being lawfully Cited to an Appryſing, and not compearing, there may be much in it, but if compearand, and denying the Lands of the Purſuer to hold, and produce an Charter evidencing the ſame to hold of an other Superior, and yet the Inquieſt making a Conſolidation ut ſupra, it may be thought in this, Error may be committed by the Inqueiſt, als well as in the other: but to conclude as to this point, that of Services is clear by Law, the other not, and ſo the Cuſtom and conſtant Practque is a ſure Rule.

An other Queſtion is, whether (in caſe of Conſolidation, as ſaid is) the Vaſſal redeeming within the years of the legal, does his Infeftment revert, and revive to its first Force, upon the Superior and Appryſers Renunciation, ſince the Legal Reverſion of the Law competent may be judged at leaſt equivalent to) an Letter of regres, or if once conſolidat, if the Superior muſt of new make convyance to the Vaſſal by Diſpoſition, Charter and Seaſin: the Anſwer is clear, for being payed within the Legal, all reverts and redintegrats.

If an other perſon ſhall appryſe (after this of the Superior) whether there be neceſſity for him (it being only an Appryſing of a Legal) to be Infeft by the Superior, becauſe of the Conſolidation, or if this Appryſing gives him right to the Legal, and ſo may redeem as of other Appryſings not of this Nature, The Anſwer ſeems clear, the laſt Appryſer without Infeftment may redeem, and yet after Redemption it is convenient he be Infeft on his own and the Superiors Appryſings.

There is an other Doubt incident to Appriſings, and that is ſuppoſe a perſon have an Annualrent of 1200 Merks a year, uplifiable furth of a Land, and that to be holden of the Diſponer or Debitor, and thereafter there being many years of the ſaid Annualrent reſting, the Creditor obtains Decreet of Poinding of the Ground againſt the Heretor and Tennents, and in default of Moveable Goods compryſes the Land for the bygone Annualrents, (not the Principal Sum) in which caſe the Appryſer becomes not only Heretor, but alſo Superior to himſelf, in the former right of the Annualrent, and ſo in effect is both Annualrenter out of the Land, and thereby Creditor, Heretor of that ſame Land, and thereby Debitor in the Annualrent, and laſtly is Superior of the Annualrent ut ſupra, which would ſeem to breed confuſion, and how to lead the Appryſing, and redd Marches, is the Queſtion moved.

I have ſeen a Compryſing of this Nature many years ago, and no doubt being of a great Eſtate, and for a conſiderable Debt, was not without Advice of eminent Lawers, and run thus, after the words to be holden, &c. in the cloſe of the Appryſing, this Proteſtation was made, and thereafter the ſaid Procurator proteſted that the foreſaid Appryſing of the ſaids Lands, which gave the Purſuer Right not only to the Property thereof, but alſo the Right of the Superiority of the ſaid Annualrent, that therefore the ſame may be but prejudice to him, and his foreſaids of the ſaid Right of Annualrent, and that the Right of Annualrent may be but prejudice to them of the ſaid Appryſing, and that it ſhall be lawful to them, and in their Power, to make uſe and brook by vertue of all or either of the ſaids Rights, conjunctly and ſeverally, as accumulative or diſtinct Rights, and that but any Innovation or Confuſion of Rights, which Proteſtation, I the Meſſenger (Judge in the Appryſing, ſpeaking) have admitted, and hereby admit, and thereupon the ſaid Procurator in Name of the Purſuer asked and took Inſtruments.

There is an other Queſtion that may ariſe, and that is, it is true the perſon againſt whom the Appryſing is to be led, owed ſo much by Bond, which is to be the Ground thereof, but at divers times he payed ſome parcels of it, and it is like the Creditor has not been ſo exact, as to keep Doubles of his own Diſcharges, or an Note of what, and when payed, ſo as to compryſe for no more than is juſtly Reſting, becauſe if he do compryſe for more, it may be a ground to reduce the Appryſing, to prevent this Inconvenient, it ſhall be fit, that the Creditor Gueſs, als near as he can, as to his Receipts, and paſs not only from that, but ſo much more (to be

ſure) and that in the compearance of the Appryſing, and after the Claime & Inſtrumi-ons is mentioned, produced, but that paſſing would only be pro loco & tempore, *and under Proteſtation, that it ſhall be lawfull to the Creditor, to purſue for the Remander, as accords.*

There is an other Queſtion that may occur in the Appryſing aforeſaid, and that is, it is true when the *Superior* is infeft in the Superiority, and appryſes from the Vaſſal, that of the Conſolidation is clear, but what if the perſon that appryſes, albeit he be Appearand Heir to the *Superior*, yet is not infeft, nor entered as Heir to the Superior, and probably dare not becauſe of Debts Surmounting the Value of what he may enjoy by his Predeceſſor *Superior*, how then ſhall this Appryſing be led, for there can be no Conſolidation becauſe not infeft in the *Superiority*, and as to the other Method propoſed in other Appryſings, *viz.* to diſcuſs the Superior by Horning (if holden of a Subject) is impoſſible the Appryſer being the Appearand Superior himſelf, and ſo cannot diſcuſs himſelf, as he might a third perſon, and that the Method of other Appryſings muſt be followed and proſecute as to the getting Infeftment, is not to be doubted, notwithſtanding, the Anſwer is clear, he may Aſſign the Debt to a Friend, who may do all in the ordinar Courſe, and then diſcuſs the Superior.

There is an other (and not the leaſt Doubt to be obſerved in all Appryſings, where infeftment moſt follow, and the Lands —— hold of a Subject, and that is, it is true, I have compryſed, and *I* have charged the Superior with Horning to *I*nfeft, and probably he is content to give Obedience, but I know not how to behave, for he is not infeft in the *Superiority* himſelf: It is thought in anſwer to this Doubt, that the Vaſſal taking a Charter from the Superior, with thir words (now as if he were infeft, and then as now) and he thereafter being infeft at any time in his Lifetime, the Vaſſals Right will accreſs, and become effectual, whereas on the other hand, if he dy before infeftment, the Vaſſals Entry is of none effect, but whether the charge of Horning will be ſo (the Vaſſal diſcuſſing the next appearand Heir *prō ut de jure*) or if the ſubſequent Entry be a perſon and Superior infeft will be brought back to the Charge given to the perſon deceaſt, and not infeft, is diſputable; but if the Appryſer would be ſecure without ſuch hazard, the way is this. 1. To charge the Superior (whether infeft or not) to infeft, and thereafter to raiſe a ſpecial Charge to enter Heir in the Superiority *ad hunc effectum*, that he may be in Capacity to Enter him, which muſt be relative to both Appryſing, Horning and Charge given, and when the fourty days are elapſed, Summonds of Declarator would be raiſed, to hear him decerned to amit the Superiority *ad vitam*, and his Superior Ordained to infeft, who muſt be conveened for that effect, & if the King be Superior, the *Stateſmen and Director* muſt be conveened (as amongſt Letters & Summonds) To direct Precepts under the quarter Seal, and this Declarator muſt be relative to Appryſing, Horning, Charge and ſpecial Charge, the *S*tile whereof ye have amongſt the *S*ummonds; and as to this Poynt of the Amiſſion, ye will find it more fully handled amongſt the Method of Services, to which ye have a remit.

There is another Kind of Appryſing, upon which no Infeftment paſs at all, and that is, when a perſon appryſes heretable Bonds, Contracts of Wadſet, hetetable Attollerances, and heretable Diſpoſitions of Tiends, heretable Offices, and the like, upon the which no Infeftment has followed; but ſince this Appryſing differs not from the former ſtile, omitting Lands and what relates thereto under the general Clauſe, with the Aſſignation to the Duties of the Lands, the Words *and Ordains to be Infeft*, to be holden of ſuch Superiors, and in the Words *with full Power*, omit thir words *to Ask, Crave and Receive*

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the Duties, ſet and raiſe Tennents, and what therein relates properly to Lands.

Nota, *Heretable Bonds whereupon no Infeftment followed, are now arreſtable at a lawful Creditors Inſtance, and (without Appryſing) and upon a ſimple Action of furth-coming may attain payment, as in Moveable Bonds and ſums, but Moveable Bonds cannot be appryſed, becauſe not Heretable but Arreſted or Confirmed.*

So much as to Appryſings in the reſpective Caſes, and what thereupon enſues.

There is one Queſtion more that may be moved through Curioſity, and that is, *There are two or more perſons Creditors to a certain perſon, the one perſon has a Horning containing Poynding and Arreſtment, and which Poynding bears thir words*, and failzing of his Moveable Goods and Geir poyndable, that ye Appryſe his Lands and Heretages conform to the Acts of Parliament —— *And the other Creditor intends to Appryſe, and for that effect, to raiſe Letters of Appryſing* in communi forma. *Now the perſon haver of the Horning and Poynding, being deſireous to prevent the other in* Diligence, *intends to Appryſe firſt, and to make uſe of no other Ground than his Horning, containing the words aforeſaid; and in ſhort, by vertue of the Priviledge introduced in his favours, by vertue of his Letters aforeſaid denunces the Debitors Lands, and proſecuts the whole Order preſcribed by the Act of Parliament, and in end, Appryſes and uſes all Diligence competent thereupon; And thereafter the other perſon leads his Appryſing, and uſes the like Diligence (but poſterior) the Caſe being thus, it may be doubted which of the Appryſers will be moſt valid and effectual, ſpecially if the laſt Appryſer quarrel the firſt upon this ground, that the way and manner of the leading of the firſt, is not* habilis modus ducendi: *In this I ſhall forbear to dive in point of Law, only if the firſt Party Appryſer have Diſpenſation for Place and time of Vacancie, I know no Reaſon but it may be als valid as the other, there being no Prohibition or Declarator to the contrair, and I have heard that* Sir Thomas Hope *gave the like Advice, and was followed, but he that obſerves the conſtant and allowable Cuſtom, walks ſafeſt, and has leaſt reaſon to fear.*

Thus having put a Period to what Perſonal and Real Execution is competent againſt perſons on Life, whether Infeft or not, and als againſt their Heirs, in caſe of Repreſentation, (not omitting that of Poynding and Arreſtment.)

The next thing to be ſuppoſed is, but what if the appearand Heirs when purſued for their fathers Debt will not enter, nor repreſent, but Renunce to be Heirs; *The next Courſe to be taken then in the caſe foreſaid, is Adjudication; And becauſe it is als requiſite to know the progreſs of this (as that of Appryſing) I ſhall ſpeak firſt as to the Method, and then comit the Form to Paper; And therefore know, that when the Heirs are Purſued, and the Action called before the Lords, as formerly ſaid, as the Purſuer compears by his Procurator, and produces to inſtruct his Summonds, the Bonds —— lybelled upon, and as to the paſſive Title, produces his general Charge and Executions thereof ſubſcribed by the Meſſenger, ſo the Defenders compear by their Procurator, and alledge* Abſolvitor, *becauſe they offer to renunce, and craves a day to produce a Renunciation,* ad hunc effectum, *which the Lords (in caſe the Purſuer be not able to alledge that* res non eſt integra, *in ſo far as they have behaved —— intrometted ——) finds relevant, and aſſigns a certain day to them*

to renunce, whereupon the Purſuer proteſts for Adjudication, contra hæreditatem jacentem, & bona mobilia; *Which Proteſtation the Lords admit, whereupon there is an Act extracted by the Clerks of Seſſion, and ſubſcribed by the Regiſter or his Depuits, and the day aſſigned by the Lords to the Defender being elapſed, the Purſuer does cauſe the Sub-clerk call the Act thrice againſt the Defender, to ſatisfie the ſame by Production of the ſaid Renunciation, which not being done, there is a Decreet conditional put up in the Minut-Book, to a certain day thereafter before which time if it be not produced, then the Decreet is given out decerning the Defenders to pay the Debt to the Purſuer, after which all Execution, both Perſonal and Real is competent againſt them, according to the former Stiles when they ſuffer Decreet to paſs for Null-Defence, but on the other part if they ſatisfie the Act, and produce the Renunciation, the Tenor thereof followes.*

RENUNCIATION to Enter HEIR.

BE *It Kend* till all Men by thir preſent Letters *Ws. W. B.* lawfull Son to the deceaſt *A. B.* of —— *G. D.* lawful Son to the deceaſt C. D. of—— and *A. B.* lawful Son to the deceaſt *I. B.* of —— with conſent of our Curators underſubſcriving, *forſameikle* as we are charged to enter Heirs to our ſaid deceaſt Fathers, within fourty days conform to the Act of Parliament, by vertue of Letters raiſed againſt us at the Inſtance of *W. G.* of —— to the effect he may have ſicklike Action, Proceſs, and Execution of the Law competent, direct, led, raiſed, uſed, purſued, and execute at his Inſtance againſt us, as he might have had againſt our ſaid deceaſt Fathers at any time in their lifetimes before their deceaſs, or as if they were yet on life, for payment to him of ſuch Sums of Money, as are Reſting by them to him, by Bond or otherwiſe, in manner & with Certification as is at length ſpecified & contained in the ſaids Letters and Executions thereof, likeas ſince the days of the ſaid general Charge elapſed, the ſaid *W. G.* has conveened us upon the hail *paſſive Titles*, before the Lords of Council and Seſſion for payment of ſuch Sums, as are Reſting to him by our deceaſt Fathers, in manner ſpecified in the Summonds raiſed thereanent: *And ſeing* after mature Deliberation taken in the ſaid matter, we find that we cannot repreſent our ſaid deceaſt Fathers, without involving our ſelves in greater prejudice than ever we can enjoy of Benefite, and as we upon that Account, do not reſolve to enter Heirs to them, ſo we being no ways deſireous that any lawful Creditor of theirs be fruſtrat of their lawful Debt, ſo far as the Lands and Eſtates can ſatisfie the ſame. *Therefore*, wit ye us with conſent foreſaid, to have renounced, and by thir preſents renunce to be Heirs, to our ſaids deceaſt Fathers, with all profite that may Accreſce, Appertain and belong to us if we were entered Heirs to them of upon, or concerning any Lands, Heretages, Tenements, Annualrents, Rooms, Poſſeſſions, Bonds heretable, or moveable, and others whatſoever pertaining and belonging to them, and whereunto we might ſucceed by their deceaſe, and all Action, Purſuite, and Inſtance competent, or that might be competent to us thereupon, in the Caſe foreſaid, to, and in favours of the ſaid *W. G.* his Heirs and Aſſigneys, and all others the lawful Creditors of our ſaids deceaſt Fathers, for payment to them of the lawful Debts juſtly addebted to them by our ſaids Fathers: By thir preſents for now and ever, and hereby freely conſent, that the ſaid *W. G.* and remanent Creditors foreſaids have Adjudication hereupon, *contra hæreditatem jacentem, & bona mobilia*, and others pertaining to the ſaid Defuncts the time of their deceaſe, and that Decreet *cognitionis cauſa* paſs for that effect in their Favours, proteſting hereby, that upon Production of this preſent Renunciation

on we be assolized from the foresaid Pursuit intended against us, at the Instance of the said *W. G.* and als of all other Pursuits to be intended against us, at the Instance of the remanent Creditors of our saids deceast Fathers, at any time hereafter, and of the haill Desire of the Summonds raised thereanent for ever (consenting their Presents be registrat in the Books of Council and Session, or others competent therein, to remain *ad futuram rei memoriam*, and *cautelam*.

Our Procurators —— in Witness whereof, we and als our saids Curators in testimony of their Consents, have subscribed their Presents (written by ——) with our hands at —— the —— dayes of —— the year of God 16— years, before their Witness.

This Renunciation *being produced, when the Act is called as aforesaid, then the Pursuers Advocat gets it to see, and being returned, and found Ample and Formal, the Pursuer gets Decreet* cognitionis causa, *and being extracted, raises Summonds of Adjudication thereupon, the Stile whereof, ye will find amongst the Summonds, only here know, that if the Defunct had Lands before raising of the Summonds, it would be known of whom the Lands hold, whether of the King or a Subject, for if of the King, then ye must call the Chancellor Thesurer, Principal, and Deput, Privy-Seal, Advocat, Register, and other Ministers, and Director of the Chancellary, for the Kings Interest, because the Summonds concludes, that the Lands being adjudged from the Apparand Heirs, as they who were charged and renounced, that the Director be ordained to issue furth Precepts for Infeftment; And the reason is, the King may have a reasonable Cause to alledge, why he cannot infeft, as that the Lands are fallen in Recognition, the Right is reduced for not payment of the Few-Duey, and the like which if he have, they may be proponed in the Adjudication: and on the other part, if the Lands hold of a Subject, he must be conveened for his Interest, for the Summonds concludes against him, that he be not only decerned to infeft, but also that Letters pass for that Effect on twenty one days under the pain of Horning —— and he may also have the same or like Reasons to alledge, as those mentioned for the King, why he cannot infeft and because there may be Lands holden of both King and Subject, I shall shew what is to be done in both Cases, and how, and first as to the King which is to give in a Bill to the Lords in the terms following, (for this Adjudication needs not be allowed.)*

BILL against the Director of the Chancellary and his Deputs.

MY *Lords* of Council and Session, unto your Lordships humbly sheweth *W. G.* of — that whereupon the —— day of —— ——years, I obtained an Decreet of Adjudication at my Instance against *W. B. G. D.* and *A. B.* as lawfully charged to enter Heirs, and who renounced to be Heirs to the deceast *A. B.* of —— *C. D.* of —— and *I. B.* of —— their Fathers, and their Tutors and Curators for their Interest, and als against His Majesties Chancellor, Theasurer, Principal, and Depute, Lord Privy Seal, Advocat, Register, *&c.* and *W. K.* Director of the Chancellary, and his Deputs, for their Interest, and all others having or pretending to have Interest in the said matter, before your Lordships, whereby your Lordships (for the Causes therein specified) adjudged, decerned, and declared the undoubted Heretable and Irredeemable Right of the Lands of —— pertaining to the deceast *A. B. C. D.* and *I. B.* the time of their deceass, and who deceased at the several and particular times mentioned in the said Decreet, and which might have appertained to their saids Sons, had they entered and not renounced to be Heir to them in manner therein expresst; together with the haill Contracts, Dispositions, Infeftments, and other Writs, and Evidents, Rights,

and Securities ſtanding in their perſons, or any wayes competent to them, of, upon, or concerning the ſame, to accreſs, appertain, and belong to me, my Heirs and Aſſigneys heretably, and the ſame to be peaceably poſſeſt, bruiked, enjoyed, occupied, laboured, manured, ſet, raiſed uſed, and diſpoſed upon by us, as our own proper Heretage in all time coming, for payment to me and my foreſaids, of the Sums of Money ſpecified in the ſaid Decreet, addebted to me by the ſaids Defuncts, in manner, and for the Cauſes therein-expreſt, and als ordained me, and my foreſaids to be heretably infeft and ſeaſed thereintill, to be holden of His Majeſty and His Royal Succeſſors, als freely in all reſpects, as the ſaid Defunct perſons held the ſame at any time in their Lifetimes, and for that Effect, ordained the Director of the Chancellary and his Deputs, to direct, emit, and iſſue furth Precepts under the Quarter Seal, in manner under-written, as the ſaid Decreet preſent to ſhew bears, and which they wrongouſly refuſe to do without they be compelled, *Herefore I* beſeech your Lordſhips, that ye would grant Warrand to, and ordain the ſaid Director and his Deputs, to grant, direct, emit, and iſſue furth Precepts under the Quarter Seal, in my Favours, for infefting me as having Right, as ſaid is, in the Lands and others above-ſpecified, to be holden of His Majeſty, and His Succeſſors, in manner above expreſt, and als to append the ſaid Quarter Seal thereto, in due and competent Form as effeirs, after the Form and Tenor of the ſaid Decreet, in all points, and your Lordſhips Anſwer.

A Writer to the Signet ſubſcribes this Bill.

This Bill *being given in to the Bill-chamber, with the Decreet of Adjudication, as its Inſtruction, the ſame is written upon by the Clerk of the Bills Servant, and thereafter paſt by the Ordinar Lord on the Bills, and ſubſcribed by the Clerk, which being done, the Writer gives in the Bill thus expede to the Chancellary, and upon Sight thereof, there is a Precept expede, and becauſe as any Notar may give Seaſin thereon, ſo the Stile of the Seaſin may be had in the former Stiles, I mean the Seaſin taken on the Kings Precept,* ut prius *which in this may be followed* mutatis mutandis.

The next thing to be *conſiderd, is, but what if the Lands adjudged, or any part thereof hold of a Subject, how ſhall the Adjudger be infeft, and the Superior compelled to receive him Vaſſal.* The Anſwer is, *that Horning may be, (and uſually is) raiſed for that Effect, in the terms and Form after ſpecified.*

HORNING againſt a Superior, on a Decreet of Adjudication.

CHARLES *&c.* to Meſſengers —— foreſameikle as our Lords of Council and Seſſion, by their Decreet of Adjudication, given and pronunced by them, at the Inſtance of *W. G.* of —— upon the day and date of thir preſents, againſt *W. B.* and *G. D.* and *A. B.* eldeſt lawful Sons, and lawfully charged to enter Heirs to the deceaſt *A. B.* of —— *C. D.* of —— and *I. B.* of —— their Fathers, and who renunced to be Heirs to them, and their Tutors and Curators for their Intereſt, and againſt *S. G. M.* —— Superior of the Lands and others after-ſpecified, for his Intereſt, and all others having or pretending to have Intereſt in the matter under-written, (for the Cauſes therein ſpecified) adjudged, decerned and declared the indoubted Heretable and Irredeemable Right of all and hail the Lands of ---- (here to inſert the Lands holden of the Superior, as in the Decreet) lyand within —— lately pertaining to the ſaid deceaſt *A. B. C. D.* and *I. B.* and wherein the ſaids *W. B. G. D.* and *A. B.* their Sons might have purchaſed and procured themſelves entered and in-

feft

feſt as Heirs to them, in manner ſpecified in the ſaid Decreet, to acreſce, appertain and belong to the ſaid *Ws. G.* his Heirs and Aſſigneys heretably, and to be peaceably poſſeſt, bruiked, enjoyed, occupied, laboured, manured, ſet, raiſed, uſed, and diſpoſed upon by them, as their own proper Heretage, in all time coming, for payment to them of the Sums of Money therein mentioned: and als ordained the ſaid *S. G. M.* Superior thereof to infeft and ſeaſe the ſaid *W. G.* and his foreſaids therein, to be holden, in manner after-ſpecified; and for thareffect, to make, grant, ſubſcribe, and deliver to them ſufficient Charters, containing Precepts of Seaſin, and others, Writs and Securities requiſite, in manner under-written, in manner ſpecified in the ſaid Decreet, as the ſame of the date forſaid, ordaining Letters to be direct thereupon, in manner after expreſt, in it ſelf more fully proports. *Our Our Will is Herefore*, and we charge you ſtrictly, and Command that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *S. G. M.* perſonally, or at his Dwelling-place, to Infeft and Seaſe the ſaid *W. G.* and his foreſaids heretably, in all and ſundry the Lands, and others above adjudged, with the Pertinents lying and pertaining, as ſaid is, and to make Grant, Subſcribe and Deliver to them ſufficient Charters, containing Precepts of Seaſin, and others Securities requiſite for that effect; to be holden of him, his Heirs and Succeſſors, as immediat lawful Superiors of the ſame, ſicklike, and als freely in all reſpects, as the ſaids Defunct perſons held the ſame at any time in their Lifetimes before their deceaſe, or as their ſaids Sons might have holden the ſame, if they had entered and not Renounced to be Heirs to them, in manner ſpecified in the ſaid Decreet, for payment to the ſaids *W. G.* and his foreſaids of the ſums of Money therein-contained, after the Form and Tenor thereof, in all Poynts, within 21 days next after the Charge, under the pain of Rebellion, and putting of him to our Horn, wherein if he failzie, that incontinent thereafter ye denunce him Rebel, and put him to our Horn, and Eſcheat, and Imbring all his Moveable Goods and Gear to our uſe for his Contemption, and als, that ye uſe the hail remanent Order againſt him, preſcribed by the Act of Parliament, made thereanent, according to Juſtice as ye will anſwer, *&c.*

Per Decretum Dominorum Concilii.

The Date of the Decreet muſt be the Date of the Letters.

Nota, *The Superior being Charged, and not entering the Vaſſal, he may (after the 21 days are elapſed) be denunced, regiſtrat at the Horn, and Caption raiſed againſt him, according to the Stile of the preceeding Captions, only whereas the former bears*, for not payment of ſuch Sums, contained in ſuch a Bond or Decreet, *this muſt bear* for not infefting ſuch a Man in ſuch Lands, conform to a Decreet of Adjudication obtained at his Inſtance againſt ſuch perſons, *and the Superior for his Intereſt, before the Lords, upon the —— day of*

Nota, *That albeit the Compoſition due to Superiors of compryſed Lands for Entry*, viz. *a years Rent, or the Lords Modification, which if the Rent be great, and the ſum appryſed for but ſmall, or the Lands in hail or part Liferented, they uſually make but a years Annualrent of the Money, yet there is nothing due by Adjudgers for Entry, notwithſtanding there may be als much pretended in Reaſon and Equity by the Superior, from the Adjudger, as by the other, only there is an Act of Parliament appointing the firſt, but no Act as to the laſt, which is the Rule of both, and the Lords decide accordingly.*

If the Superior have any Reasons why he cannot enter, as that of Recognition, that the Feu is extinct, and declared for not payment of the Feu-Duty, that the former Vassalls disclaimed him as their Superior, that they were in Non-Entrey themselves, and the Gift disponed and declared, and the like, he may suspend and a Stile thereof ye will find amongst the former Stiles, only whereas after Deduction of the Lands in the Charge, it is said, Whilks Lands pertained heretably of before to *A. B. C. D.* and *I. B.* and were Appryfed —— *ye must say,* Whilks Lands pertained heretably of before to the deceast *A. B. C. D.* and *I. B.* & were lawfully adjudged from *W. B. G. D.* and *A. B.* their Sons, as lawfully charged to Enter Heirs, and who renounced to be Heirs to them, and their Tutors and Curators for their Interests, and all others having, or pretending to have Interest, at the Instance, and to and in favours of the Complainer, for payment to him of the Sums of Money contained in the Decreet of Adjudication pronunced thereanent, before the Lords of Council and Session upon the —— day of —— years.

And as to the Bond of Caution, the Stile of the former Bond —— is sufficient mutatis mutandis. viz. *whereas in the former, it is said that they ought and should make payment of such Sums contained in such a Bond; in this ye must say; that he ought and should infeft such a person in such Lands, conform to such a Decreet of Adjudication obtained at his Instance against such persons, and the said —— as Superior, before the Lords, upon the —— day of —— that he shall do therein (as in the other Bond of Caution.*

But if the Superior will Enter voluntary, the Charter follows.

CHARTER upon a DECREET of ADJUDICATION.

OMnibus hanc Chartam *visuris vel audituris,* Dominus G. M. *de —— superior terrarum aliorumque subtus script, cum pertinen.* Salutem, *in Domino sempeternam.* Noveritis *me (pro obedientia mandati subtus specificati) dedisse, concessisse, disposuisse, & hac presenti charta mea, pro perpetuo confirmasse, tenoreque presentium, dare, concedere, disponere, & hac presenti charta mea pro perpetuo confirmare, dilecto meo* W. G. *de —— haeredibus suis, & assignitis, quibuscunque haereditarie,* Totas & integras, *terras de —— jacen infra parochiam de —— & vice-comitatum de ——* Quæquidem *terræ aliaque* respectivè *supra disposita, cum pertinen. perprius, haereditariæ pertinerunt ad quondam* A. B. *de ——* C. D. *de —— & I. B. de —— & ab* W. B. G. D. *&* A. B. *eorum filiis natu maximis tanquam legitime mandatis ad intrandos haeredes iis, infra spatium quadraginta dierum, & qui haeredes iis intrare renunciaverunt, eorumque tutoribus & curatoribus, omnibusque aliis interesse habentibus,* legitimè *adjudicatæ fuerunt, secundum tenorem decreti adjudicationis, id circa contra eos ad instantiam prefati* W. G. *coram dominis Consilii & Sessionis dedata —— die mensis —— anno ——* obtenti *pro solutione ei suisque prascriptis summarum monetæ inibi expressarum, ut in dicto decreto, ordinan. me tanquam superiorem, prædictum prænominatum* W. G. *suosque antedictos in dictis terris, aliisque supra-scriptis cum pertinen. infeodare, & literas cornuationis, ad hunc effectum, contra me dirigi latius continetur, & virtute cujusquidem, decreti literarumque cornuationis de super direct. ego tanquam Superior supra-script. ad effectum supra-specificatum —— die mensis —— sub pena cornuationis, legitimè mandatus fui ut in dictis literis & executionibus, earundem amplius recitatur,* Tenen. & Haben. (here take in the Tenendas Redendas, Precept of Sealin, and Conclusion of the Charter of Appryfing in the former Stiles: only whereas in the *Tenendas* of the former, it is said after the Lands *supra appretiat,* ye must in this say

ſay, *ſupra adjudicat*, and whereas in the *Reddendas* thereof, it is ſaid *antedictam appretiationem*, ſay in this *antedictam adjudicationem*, and in the Precept, for *ſupra appretiat*, in the cloſe —— ſay *ſupra adjudicat*.

The Seaſin on this Charter, *differs nothing from that on the Charter of Appryſing in the former Stile, only* in lieu of the Words; Et quæquidem Terræ —— *after the Lands in the former, till ye come to the Capital Word* Qamquidem, *inſert the words of the above-written Charter from the ſame words* Quæquidem *till ye come to thir words*, ut in dicto decreto —— *and then follow furth the Stile of the former, only inſert your own Precept of Seaſin with your own date, place witneſs and all.*

There is an other *kind of Adjudication which ſometimes occurs, and yet without any Renunciation, which makes the caſe the more ſingular, and before I come to its method, I ſhall firſt deduce the caſe, and you are to take it up in the manner following*, viz. *there is a perſon called* I. M. *who has Father, Grand-father, and Great-grand-father, and may repreſent the Great-grand-father as alſo the Grand-father, but dare not ſerve Heir to the Father, by Reaſon of great Debt: and it is not to be forgot, that this perſons Father while on life, and Appear and Heir to the Grand-Father, and Great-grand-father, diſponed to a third Perſon as Appear and Heir, certain Lands Teinds, and Patronages belonging to both of them: and to the Effect, the Right might accreſs obliged himſelf to ſerve, and obtain himſelf alſo infeft, and thereafter to reſign* &c. —— *but* medio tempore deceaſt, *by which means, it would appear the Right dyed with him, yet this third perſon charges the ſaid* I. M. *to enter Heir to his Father, the Diſponer albeit never Infeft, I mean Heir in general, and thereafter purſues him before the Lords upon all the paſſive Titles, and the Action being called and diſpute, the Defender offered to renounce, but the Purſuer offered to prove* res *was not* integra, *in ſo far as he being purſued,* ex hoc titulo paſſivo, *at an other perſons Inſtance, he not only ſuffered Decreet to paſs for not Production of a Renunciation, but alſo afterwards homologat the Decreet by granting of a Corroboration of the ſame, whereupon the ſaid* I. M. *was decerned to fullfill the Diſpoſition granted by his Father: Now Decreet being obtained as aforeſaid, the Queſtion is this, how ſhall the Purſuer have a Right eſtabliſhed in his perſon of the Lands and others diſponed, ſeing the Party will not do it voluntarly, for to Charge to Enter Heir in ſpecial, and thereupon Appryſe he cannot, not being for a liquid Sum, and to Adjudge would ſeem impoſſible, becauſe the Purſuer would not accept of a Renunciation (in which Caſe uſually Adjudication only is had) neither would a Renunciation in this caſe have effectuat the Purſuers intent, the Grandfather not being the Diſponer, but the Father to whom he was charged, and to have entered Heir to the Grand-father, and not the Father (who only diſponed) were to ſhun Implement of the Diſpoſition, and to diſown the Fathers Deed every way.* The Anſer is clear, *(albeit ſuch Caſes ſeldom or never occur) and it is this, albeit the Father was the Diſponer, who was never infeft, and that the Grand, and the great Grand-fathers were the laſt infeft, and ſo a Deed of theirs (as would appear) only ſufficient to affect theſe Lands yet; This* I. M. *who was appear and Heir to the Grand, and the great Grand-father, and who by Service might have indoubted Right to all that was theirs, and thoſe Lands diſponed in particular, having behaved himſelf as Heir to the Father, and a poſitive Title being fixed upon him, and thereupon Decreet pronounced againſt him, the Purſuer has legal Acceſs to him anent the Implement of the Diſpoſition made by the Father, als well as if the ſame were a Deed of the Grand, or great Grandfathers: and the firſt Diligence is to raiſe Horning on the Decreet, and charge him therewith, and after the dayes of the Charge are elapſed, to denunce and re-*

giſtrat

giſtrat, and this being done to raiſe a ſpecial Charge againſt him on the Decreet, which muſt alſo narrat the Horning raiſed, and Charge given and expyred, and that the ſame is regiſtrat, and the Stile of this ſpecial Charge from the former differs in thir two Points, the firſt whereof is, whereas in the former it is ſaid, to the effect the Complainer may have all Action, Proceſs, and Execution, of Appryſing, *&c.* as alſo in the other ſpecial Charge, to the effect the Complainer may have ſuch like Action, *&c.* 2. *The Certification of the former ſays,* that the Complainer ſhall have ſicklike Action, Proceſs and Execution of Appryſing, and others of the Law competent. In this ſpecial Charge, theſe words, *to the effect,* muſt be conceived as follows; to the effect the ſaid ——may be in capacity to fullfill the ſaid Right & Diſpoſition, and for that effect renew the ſame with Procuratories of Reſignation, Precepts of Seaſin, and other Clauſes needful, conform to the Tenor thereof, in all Points, and the Certification of this (contrair to the former) muſt be with Certification, the Complainer ſhall have Action of Adjudication, and others of the Law competent, direct, Led, and Uſed at his Inſtance againſt him, as lawfully charged to Enter Heir, as ſaid is, and the ſaids Lands, and others above-diſponed, with the Pertinents, as might be had againſt him and them, if he were entered and infeft therein, notwithſtanding he willfully ly furth and will not Enter Heir in ſpecial to his ſaid deceaſt Grand, and great Grandfather, in manner above-expreſt.

This ſpecial Charge being execute, and the 40 dayes elapſed; the next Courſe is to raiſe Summonds of Adjudication of the Lands, relative to the Diſpoſition, Decreet, Horning, Charge, Denunciation, and Regiſtration, and to the ſpecial Charge; and its Execution, and having thus premiſed to ſubſume, that in reſpect the Purſuer has done all the Diligence of the Law incumbent, and diſcuſt the ſaid I. M. *by Horning, Caption, and ſpecial Charge, that therefore neceſſar it is he have the Lands adjudged, and becauſe it is not proper to ſet down the Stile of the Summonds here, you have it amongſt the other Summonds, only here know, that in this Adjudication, ye muſt conveen Chancellor, Theaſurer, Principal and Deput, Privy Seal, Advocat, Regiſter,* &c. *and Director and his Deputs, if the Lands hold of the King, and if of any other Superior, ye muſt Cite them particularly, and all Parties having Intereſt in general, as in the former caſe of the Adjudication upon an Decreet* cognitionis cauſa.

On the Decreet of Adjudication, to follow thereupon, the Diligence competent on the former Adjudication (whether the Lands hold of the King or other Superior) is to be proſecute in this, as ye find in the preceeding Stiles, mutatis mutandis.

Ends the Firſt Book.

To the truely Noble and Potent Marquis,

JOHN

Marquis of Athole, *Earl of* Tullibarden, *Viſcount of* Balquhidder, *Lord* Murray, Balveny *&* Gask, *&c.* George Dallas *of* St. Martins, *Author of the whole Work, (whereof this is the* Second Part,) *wiſheth all Tranquillity and Happineſs.*

My LORD,

THE eminent Parts with which the LORD has Endued your Lordſhip (attended with your Noble Birth, and ſtrong Inclinations to Juſtice, and all that is Virtuous and Religious,) have been no ſmall Riſe to your *Noble Family* in this Age. It is recent, how by your conſtant Adherence to, and Sufferings for the *Crown*, (being Sequeſtrat for Eight Years by the late Uſurpers,) King *CHARLES* the Second of ever glorious Memory, (upon His Reſtauration *Anno* 1660,) moſt deſervedly Conferred upon your Lordſhip, not only Titles of Honour, but alſo ſeveral Eminent Stations, particularly Lord *Privy-Seal*, in which I had the Honour to Serve your Lordſhip as Deput-Keeper of of that *Seal* : And now conceive my ſelf in Gratitude, Obliged to Dedicat this Part relating to the *Privy-Seal* to your Lordſhip, and to put you in Mind of the Antiquity of your *Name* in this KINGDOM ; for thoſe that pleaſe caſt their Eyes upon our Hiſtory, will find, that the *Romans* having Expelled your Predeceſſors out of *Almain* in *Moravia* (their Native Country) they Arrived in *Forth* between *Lothian* and *Fife*, in the Reign of *Corbredus primus*, who Succeeded his Brother *Coratacus* ; and the Kings of *SCOTS* and *PICTS* having entered in League againſt the *Romans*, who Infeſted them, deſired the *Murrays* to Joyn with them, who eaſily granted their Deſire, and upon no other Terms than to grant them Wives, that they might Increaſe under one Blood with the *SCOTS*, which being granted, the *Murrays* joyned with the two Kings, and the *Romans* in open Battle Vanquiſhed, and 70000 Thouſand of them Killed ; And had not *Suetonius* the *Roman* Legat come haſtily into *Britain* with a great Force, the *Albions* had been perpetually freed from the *Romans*, and in this Battle the moſt of all the *Murrays*, and *Roderick* their Captain (no ſmall evidence of their Gallantry and Chivalry) were Killed, and *Corbredus* Bequeathed to thoſe of the *Murrays* that Lived, all the Land 'twixt *Spey* and *Neſs*, (now conſiſting of Three Shires) afterwards

wards and to this Day called *Murrayland*, after their *Name*, having Expelled the old Inhabitants called *Wars*, (after their Captain *Warrack*,) a Seditious People, and which *Land* (as would appear) went off by a Female, (Tailzies to Heirs-Male to perpetuat Mens Fortunes being only of late introduced ;) And albeit what said be ancient at will, yet if any will look back but a little in our History, they will find, that in *Fergusius* (first King of *Scotland*, Son to *Farquhard* King of *Ireland*) his time, the *Murrays* having joyned with him against the *Picts*, and carried the Day, in the division made by the King of several Lands amongst his Nobles and Captains, the whole Country of *Murray*, and many moe Lands in the *South*, were given to your Lordships Predecessors, and so what given in *Gurbredus* time but a Confirmation of what formerly granted in the time of *Fergusius*. Nor need I come over, how your Predecessors were Barons of *Balgour*, and many other Lands, and afterwards Earl of *Tullibardan* ; And how your Lordships Grand-Father (Eldest Son of that Noble Family) Married the Heretrix of *ATHOLE*, thereby (and by Merit and Virtues) adding and inlarging your Possession, in which your Lordship and Predecessors by Loyalty are also Invested and Cled with divers Jurisdictions, as Regalities, Stewarteries, and the like. And to conclude, I wish the same may long continue with your Lordship, and in your Race: And expect your Lordship will chearfully Accept of this small Offering, from

(My Noble Lord,)

Your Lordships most Humble
and Devoted Servant,

GEO. DALLAS.

GIFTS
Paſsing the Privy Seal.

PART II.

1 *Gifts of Eſcheat, Single and Life-rent.*
2 *Penſions.*
3 *Preſentations to Kirks (whereof the King is Patron)*
4 *Gifts of Fines and Aſſignations to Sums impoſed by way of Fines.*
5 *Tacks, and Laces of Tithes.*
6 *Aſſignations of ſome of the King's Rents for ſatisfaction of Money.*
7 *Gifts of ſome Caſualities, ſuch as Wards, concealed Rents and the like.*
8 *Deputations to Collect the ſaids concealed Rents and Quoates of Teſtaments.*
9 *Ratifications of Offices in the Mint, and others.*
10 *Gifts of being Maſter of the Mint, Warden, Under-warden, Eſſay Maſter, Graver, Clerk to the Bulzion, and other inferior Offices therein (That of the General of the Mint paſſing the Great-Seal* per ſaltum*)*
11 *Gifts of Preſentation to leſſer Benefices (than that of Arch Biſhops, and Biſhops,) as Sub-Dean of the Chapel-Royal, Profeſſors in Divinity, Regents in Univerſities and the like.*
12 *The Gifts to be the Kings Doctor, Chyrurgion and Apothecary.*
13 *Gifts to be the King's Maſter-Printer, Maſter-Maſon, Maſter-Wright, Bower, Sclater, Tailor; and one of each Trade, and ſeveral other Gifts, &c.*

GIFT of a Mans Eſcheat to himſelf, when the Conſtitution of the Exchequer goes by a Lord high Theſaurer, and Theſaurer-Deput.

OUR *Soveragin Lord*, with the ſpecial Advice and Conſent of His Majeſties Right Truſtie and well beloved Couſins and familiar Counſellors, *W. D.* of *Q.* Lord high Theſaurer, Comptroller, Collector and Receiver General of all his Majeſties Rents, and New Augmentations within his Highneſs Ancient Kingdom of *Scotland*, and of *I. H.* of *K.* His Majeſties Theſaurer-Deput, in the ſaids Offices; And ſicklike with the ſpecial Advice and Conſent of the remanent Lords, and others of his Highneſs Exchequer of

the ſaid Kingdom, his Majeſties Commiſſioner *Ordains* a Letter of Gift to be made, and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent form, to, and in favours of *A. B.* of —— his Heirs and Aſſigneys, one or moe of the Eſcheat of all Goods, Geir, Debts, Sums of Money, Jewels, Gold, Silver coyned and uncoyned, Inſight, Pleniſhing, Horſe, Nolt, Sheep, Corns, Cattel, Bonds, Obligations, Tickets —— Compts, Decreets, Sentences, and of all other Goods and Gear eſcheatable whatſomever, als well not named as named, whilks pertained of before to the ſaid *A. B.* the time after-ſpecified of his Denunciation to the Horn, for the Cauſe after-mentioned, or whilks has accreſced to him ſinſyne, or ſhall happen to accreſce, appertain and belong to him at any time hereafter during his Rebellion, now pertaining and belonging to his Majeſty, and fallen and become in his Highneſs hands, and at his Gift and Diſpoſition, by reaſon of Eſcheat Laws and Practique of this Kingdom, and inherent Priviledge of his Majeſties Crown, through being of the ſaid *A. B.* upon the —— day of —— 16 —— years, orderly denunced Rebel, and and put to the Horn, by vertue of Letters of Horning, raiſed, uſed, and Execute againſt him, at the Inſtance of *C. D.* of —— for not payment making to him of the Sum of —— *ſcots* Money of Principal, and of the Sum of —— Money foreſaid of Expenſes and Annuals of the ſaid principal Sum, contained in a Bond granted by the ſaid *A. B.* to him thereupon of the date the —— day of —— 16 and —— years regiſtrat in the Books of Council and Seſſion, the —— day of —— 16 and —— years, as the ſaids Letters of Horning and Executions thereof duely regiſtrat, conform to the Act of Parliament, in themſelves more fully proports: *With full Power* to the ſaid *A. B.* and his foreſaids, to retain, poſſeſs, bruik, enjoy, intromet with, uplift, uſe and diſpoſe upon the ſaids Goods, Gear, Debts, Sums of Money, and others eſcheatable Goods and Gear above-ſpecified, and to call, follow, charge and purſue therefore, as accords of the Law, Decreets of Declarator, and others requiſite in the premiſſes to obtain and recover, and the ſame to due and lawful Execution cauſe be put, and upon Receipt and Payment to grant Diſcharges, whilks ſhall be ſufficient to the Receivers, and to do what elſe in relation to the Premiſſes, that the ſaid *A. B.* might have done therein himſelf, at any time before the ſaid Rebellion, or that his Majeſty with conſent foreſaid might have done therein at any time ſinſyne, and that freely, quietly, well and in peace, but any Revocation, Contradiction, Obſtacle or again-calling whatſomever, and that the ſaid Letter of Gift be extended in moſt ample Form, with all Clauſes needfull. *Given at*

GIFT *of a Mans Eſcheat, and Liferent to himſelf, when the Conſtitution of the Theſaury goes in Commiſſion, and not by a Theſaurer Principal and Deput.*

OUR *Soveraign LORD*, with the ſpecial Advice and Conſent of his Majeſties Right Truſtie and well Beloved Couſins, and familiar Counſellors; *G. E.* of *A.* Lord high Chancellor of his Highneſs Antient Kingdom of *Scotland*, and of —— Lords Commiſſioners of his Majeſties Theſaury, Comptrollers, Collectors, and General Receivers of all his Majeſties *Rents* and New Augmentations within the ſaid Kingdom; And ſicklike with Advice and Conſent of the remanent Lords, and others of His Majeſties Exchequer of the ſaid Kingdom, his Highneſs Commiſſioners *Ordains* a Letter of Gift to be made, and paſt under his Majeſties *Privy Seal* of the ſaid Kingdom, in due and competent Form, to, and in favours of *A. B.* of —— his Heirs and Aſſigneys, one or moe of the Eſcheat of all Goods, Gear, Debts, Sums of Money, Jewels, Gold, Silver, coyned and uncoyned, Inſight, Pleniſhing, *Horſe*, Nolt

Nolt, Sheep, Corns, Cattel, Bonds, Obligations, Tickets, Accompts, Decreets, Sentences, and of all other Goods and Gear eſcheatable whatſoever, als well not named as named, Whilks pertained of before to the ſaid *A. B.* of —— the time after-ſpecified of his Denunciation to the Horn for the cauſe after-mentioned, and whilk has Accreſced, Fallen, Appertained and belonged to him at any time ſinſyne, or ſhall happen to fall, accreſce, appertain and belong to him in any time coming during his *Rebellion*, now pertaining and belonging to his *Majeſty*, and fallen and become in his Highneſs hands, and at his Gift and Diſpoſition, by reaſon of Eſcheat, Laws and *Practique* of this Kingdom, and inherent Priviledge of his Crown, through being of the ſaid *A. B.* upon the —— day of —— 16 —— years, orderly denunced Rebel, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed, and execute againſt him, at the Inſtance of *C. D.* of — for not payment making to him of the Sum of —— *ſcots* Money of Principal, with the Sum of —— Money foreſaid of liquidat Expenſes, together with the ordinar Annualrent of the ſaid principal Sum, contained in a Band granted by the ſaid *A. B.* to the ſaid *C. D.* thereupon of the date the —— day of ---- 16 ---- years, regiſtrat in the Books of Council and Seſſion, the —— day of — 16 — years, together alſo with the ſaid *A. B.* of — his liferent Eſcheat, of all Lands, Heretages, Tenements, Annualrents, Tacks, Steidings, Rooms, *Poſſeſſions*, and others whatſoever pertaining and belonging to the ſaid *A. B.* holden by him of his Majeſty, now alſo pertaining and belonging to his Majeſty, and fallen and become in his Highneſs hands, and at his Gift and Diſpoſition by reaſon foreſaid, through being of the ſaid *A. B.* orderly deunced Rebel, and put to the Horn, by vertue of the ſaids Letters of Horning, raiſed, uſed, and execute againſt him, at the Inſtance of the ſaid *C. D.* in manner at the time, and for the cauſe above-mentioned, and through the ſaid *A. B.* his contemptuous abiding and remaining at the Horn, attour the ſpace of year and day unrelaxed therefrae, together alſo with the hail Mails, Ferms, Keynes, Cuſtoms, Caſualities, Profites and Duties of the ſaids Lands and others foreſaids, of all years and terms bygone, ſince the expyring of the ſaid year and day, and in all time coming during the ſaid *A. B.* his lifetime, and all Action, Purſuite and Inſtance competent, or that may be competent to his Majeſty thereupon, as the ſaids Letters of Horning, and Executions thereof duely regiſtrat, conform to the Act of Parliament, in themſelves more fully proport: *With full Power* to the ſaid *A. B.* and his foreſaids, to retain, intromet with, uplift, ask, crave, and receive the foreſaids Goods, Gear, Debts, Sums of Money, and other Eſcheatable Goods and Gear above-ſpecified, fallen under the compaſs of the ſaid ſingle Eſcheat, and to occupy, labour, manure and poſſeſs the ſaids Lands, and others foreſaids pertaining and belonging to him, and that either by himſelf or Tennents, as they ſhall think fit and expedient, and to intromet with, uplift, ask, crave and receive the hail Mails, Duties, Cuſtoms and Caſualities thereof, ſince the Expiring of the ſaid year and day, and in all time coming during the ſaid *A. B.* his lifetime, and to ſet and raiſe Tennents, uſe Warning, proſecute Removing, and to call and purſue for the ſaids Goods, Gear, Debts, Sums of Money, Mails Duties, and others foreſaids (als well fallen under the ſaid Liferent as ſingle Eſcheat) before whatſomever Judge or Judges competent, Decreets of Declarator, Removing, Mails and Duties, and others requiſit in the Premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, and upon payment to grant Diſcharges, whilk ſhall be ſufficient to the Receivers, and to do what elſe the ſaid *A. B.* might have done therein himſelf at any time before the ſaid Rebellion, or expyring of the ſaid year and day, or that his Majeſty might do therein at any time ſenſyne, and that freely, quietly, well and in peace, but any Revocation, and that the ſaid

Letter of Gift be extended in moſt ample Form, with all Clauſes needful. *Given at*

GIFT of a Mans ſingle Eſcheat in favours of his Creditor.

OUR SOVERAIGN LORD *(here take in the Conſents according to the Conſtitution of Exchequer for the time, whereof there is a Pattern in either caſe formerly ſet down, and then ſay)* ORDAINS a Letter of Gift to be made, and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent Form, to, and in favours of *C.* D. of —— his Heirs and Aſſigneys, one or moe of the eſcheat of all Goods, Gear, Debts, Sums of Money, Jewels, Gold, Silver coyned, or uncoyned, Outenſils and Domicils, Horſe, Nolt, Sheep, Corns, Cattel, Bonds, Obligations, Decreets, Sentences, Compromits, and all other Goods and Gear eſcheatable whatſomever, als well not named as named, Whilks pertained of before to *A. B.* of —— the time after-ſpecified of his Denunciation to the Horn, for the cauſe after-mentioned, or whilks have accreſed, fallen, appertained and belonged to him at any time ſenſyne, or whilks ſhall happen to fall, accreſs, appertain and belong to him in any time coming during his Rebellion, now pertaining and belonging to his Majeſty, and fallen and become in his Highneſs hands, and at his Gift and Diſpoſition, by reaſon of Eſcheat Laws and Practique of this Kingdom, and inherent Priviledge of his Majeſties Crown, through being of the ſaid *A. B.* upon the — day of — 16 —— years, orderly denunced Rebel, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed, and execute againſt him, at the Inſtance of the ſaid *C. D.* for not payment making to him of the Sum of —— *Scots* Money of Principal, with the Sum of — Money foreſaid of Expenſes, and Annualrent of the ſaid principal Sum, contained in a Bond granted by the ſaid *A. B.* to him thereupon of the date the —— day of —— 16—— years, regiſtrat in the Books of Council and Seſſion, the — day of--- 16 —— years, as the ſaids Letters of Horning and Executions thereof duely regiſtrat, conform to the Act of Parliament, in themſelves more fully proport, *With full Power* to the ſaid *C.* D. as Donatar above-ſpecified, and his foreſaids to intromet with, uplift, ask, crave and receive the foreſaids Goods, Gear, Debts, Sums of Money, and others above-mentioned, falling under the compaſs of the ſaid Eſcheat, and to call, follow, charge and purſue therefore, as accords of the Law, Decreets of Declarator, both General and Special, and others requiſite in the Premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, and upon payment to grant Diſcharges, whilks ſhall be ſufficient to the Receivers, and to do what elſe the ſaid *A. B.* might have done therein himſelf at any time before the ſaid Rebellion, or as his Majeſty with Conſent foreſaid might have done therein *(* by the Laws and Practiques of this Kingdom *)* at any time ſenſyne, and that freely, quietly, well and in Peace, but any Revocation, Contradiction, Obſtackle, or again calling whatſoever, and that the ſaid Letter of Gift be extended in moſt ample Form, with all Clauſes needful. *Given at*

GIFT of a Mans Eſcheat and Liferent to a Creditor.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of *(here take in the Conſents according to the former Direction, and then ſay)* ORDAINS a Letter of Gift to be made, and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent Form, to, and in favours

favours of *C. D.* of — his Heirs and Aſſigneys, one or moe of the Eſcheat of all Goods, Gear, (*here take in the Words of the former Gift*, until ye come to the (6) Figure, and then ſay, *Together with the ſaid A. B.* his Liferent Eſcheat, of all Lands, Heretages, Tenements, Annualrents, Tacks, Steidings, Rooms, Poſſeſſions, and others whatſoever pertaining and belonging to the ſaid *A. B.* of —— holden by him immediatly of his Majeſty, wherever the ſame lyes within this Kingdom, with the hail Mails, Ferms, Kanes, Cuſtoms, Caſualities, Profites and Duties of the ſame, and that of all years and Terms bygone, ſince the expyring of year and day next after the ſaid *A. B.* his Denunciation to the Horn, for the Cauſes above-written, and ſicklike of all years and terms in time coming during his Lifetime, now alſo pertaining and belonging to his Majeſty, and fallen and become in his Highneſs hands, and that his Royal Gift and Diſpoſition by reaſon foreſaid, through the ſaid *A. B.* his being orderly denunced Rebel, & put to the Horn, by vertue of the ſaid Letters of Horning, raiſed, uſed, and execute againſt him, at the Inſtance of the ſaid *C. D.* in manner for the Cauſe, and at the time above-expreſt, and through his contemptuous lying, remaining and abiding thereat, attour the ſpace of year and day unrelaxed therefrae, as the ſaids Letters of Horning, with the Executions thereof duely regiſtrat, conform to the Act of Parliament, in themſelves more fully proports. *With full Power* to the ſaid *C. D.* as Donator above-ſpecified, and his foreſaids, to intromet with, uplift, ask, crave and receive the foreſaids Goods, Gear, Debts, Sums of Money, and other Eſcheatable Goods and Gear above-mentioned, fallen under the compaſs of the ſaid *ſingle Eſcheat*, and to occupy, labour and mannure, and poſſeſs the ſaids Lands, and others foreſaids pertaining and belonging to the ſaid *A. B.* and that eitheir by themſelves or Tennents, as they ſhall think expedient, and to intromet with, uplift, ask, crave and receive the hail Mails, Ferms, Kanes, Cuſtoms, Caſwalities, Profits and Duties thereof, and others foreſaids, falling under the compaſs of the ſaid Liferent Eſcheat, and that of all years and terms bygone ſince the expyring of the ſaid year and day, and in all time coming during the ſaid *A. B.* his Lifetime, and to ſet and raiſe Tennents, uſe warning, proſecute Removing, and to call and purſue for the ſaids Goods, Gear, Debts, Sums of Money, Duties, and others foreſaids, als well fallen under the ſaid liferent as ſingle Eſcheat, before whatſoever Judge or Judges competent, Decreets of Declarator, Removing, Mails and Duties, and others requiſit in the Premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, and upon payment to grant Diſcharges, whilk ſhall be ſufficient to the Receivers, and to do what elſe the ſaid *A. B.* might have done therein himſelf at any time before the ſaid Rebellion, or expyring of the ſaid year and day, or that his Majeſty with conſent foreſaid might have done therein at any time ſince, and that freely, quietly, well and in peace, but any Revocation, Contradiction, Obſtickle, or again calling whatſoever, and that the ſaid Letter of Gift be extended in moſt ample Form, with all Clauſes needful. *Given at.*

Nota, *there is no Gift of Eſcheat granted in Exchequer without a Backbond, unleſs the King diſpenſe with it, and that very ſeldom, ſo tender are Kings of lawful Creditors; yea, of the Debitors themſelves.*

GIFT of Eſcheat of a Husband to hir Relict for his own and Childrens behove, without Back-bond.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution of Exchequer, for the time and then ſay*) ORDAINS a Letter to be made, and paſt under his Majeſties Privy Seal, in due and competent Form, giving, granting and diſponing; Likeas, his Majeſty hereby gives, grants and diſpones to his Higneſs Lovit *D. B.* Relict of the deceaſt Sir *I. F.* of —— and to her Heirs and Aſſigneys, one or moe, the eſcheat of all and ſundry Moveable Goods, Gear, Debts, Tacks, Acts, Contracts, Actions, Obligations, Decreets, Sentences, Horſe, Nolt, Sheep, Corns, Cattel, Inſight, Pleniſhing, Mails, Ferms, Profits and Duties of Lands, Sums of Money, Jewels, Gold, Silver coyned, or uncoyned, and all other Goods and Gear eſcheatable whatſomever, which pertained of before to the ſaid deceaſed Sir *I. F.* of —— the time of his Denunciation to the Horn, for the cauſes underwritten or which has accreſsed, fallen, and appertained to him at any time in his Lifetime during his Rebellion, and remaining at the Horn, for the Cauſes after-mentioned now fallen and become in his Majeſties hands, and at his Highneſs Gift and Diſpoſiton, by reaſon of Eſcheat Laws and Practique of the ſaid Kingdom, and inherent Priviledge of the Crown, through being of the ſaid deceaſed Sir *I. F.* orderly denunced Rebel, and put to the Horn, upon the — day of — 16 —— years, by vertue of Letters of Horning, raiſed, uſed, and execute againſt him, at the Inſtance of *W. D.* Burgeſs of —— for not payment making to him of the Sum of —— *Scots* Money of Principal, ——of Expenſes, and Annualrent of the ſaid principal Sum reſting, contained in a Bond made and granted by the ſaid Sir *I. F.* to the ſaid *W. D.* thereupon, dated the——day of—— 16 —— years, and regiſtrat in the Books of Council and Seſſion, the — day of----thereafter, together with the Liferent Eſcheat of all Lands, Heretages, Tacks, Steidings, Rooms, Poſſeſſions, heretable Bonds and Debts, Milns, Woods, Fiſhings, and others whatſoever pertaining and belonging to the ſaid deceaſt Sir *I. F.* and that of all years and Terms bygone ſince the expyring of year and day, after the ſaid Denunciation and during the ſaid Sir *Is*, Lifetime, now alſo fallen and become in his Majeſties hands, and at his Royal Gift and Diſpoſition, by reaſon foreſaid, and through his remaining at the Horn attour the ſpace of year and day unrelaxed therefrom, as the ſaids Letters of Horning with the Executions thereof duely regiſtrat, conform to the Act of Parliament, more fully proport, *With full Power* to the ſaid *D. B. I.* and her foreſaids to intromet with, and uptake all and ſundry the foreſaid Eſcheat Goods, Gear, Corns, Cattel, Inſight, Pleniſhing, Debts, Sums of Money, and others above-written, which pertained of before to the ſaid deceaſt Sir *I. F*, the time of his Denunciation to the Horn for the Cauſe foreſaid, or has accreſſed, fallen and appertained to him, at any time in his Lifetime during his Rebellion, and remaining at the Horn, for the Cauſe above-written, together with the Benefite of the ſaid Liferent-Eſcheat, and thereupon to diſpone at their pleaſure and to call, follow, and purſue therefore, Acquitances and Diſcharges thereof, to give, grant, ſubſcribe and deliver, and generally all and ſundry other things, to do, uſe and exerce thereanent, freely and quietly, *&c.* but Revocation, *&c.* And his Majeſty of his Prorogative Royal, certain knowledge, and proper Motive, Bounty and Clemency; Ordains no Back-bond to be taken in Exchequer of the ſaid Donatrix, further than to imploy the Benefite of the ſaid Eſcheat, for the uſe of her ſelf and fatherleſs Children, as to their Maintenance, Education and Proviſi-

on

on, as far as the ſame may extend to; And for which theſe Preſents ſhall be a ſufficient Warrant to the Lords of Theſaury and Exchequer, and that the ſaid Letter of Gift be extended in moſt ample Form, with all Clauſes needful. *Given at*

Nota, *This Gift (as all of that Nature) is under the Kings hand, and if the Exchequer grant any, they have the Kings Letter for it, and is recorded in Exchequer.* Nota 2. *There be Eſcheats granted upon Horning, for performance of Obligements and Deeds, albeit there be no liquid Sum ſafe* Penaltie. 3. *There be ſingle Eſcheats granted upon Sentences of the Juſtice Courts, in all Cauſes criminal, where the Party accuſed is convicted. And* 4. *The Eſcheats of* Nonaccomptands *in Exchequer, are uſually gifted to the Caſh-keeper for the Kings behove; And the ſaids Gifts differ in nothing from the former (ſet down at length) but as to the* Modus vacandi, *and how the Caſualitie falls in the Kings hands; As for Example, the Eſcheat of a perſon forefaulted muſt ſay, through the Sentence and Doom of Forefaulture given and pronounced againſt him, before the Lord high Juſtice-general, and Lords of Juſticiary, upon the —— day of —— 16 —— years, for the Crime of Treaſon therein ſpecified.*

GIFT of NONENTREY *of an Annualrent.*

OUR SOVERAIGN LORD with Advice and Conſent of (*here inſert the Conſents according to the Conſtitution for the time, and then ſay*) ORDAINS a Letter of Gift to be made, and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent Form, giving, granting and diſponing to his *Majeſties* Lovit *I. R.* of —— his Heirs and Aſſigneys, one or moe the Nonentry-Duties of an Annualrent of —— *Scots* Money yearly, upliftable at two Terms in the year, *Whitſunday* and *Martinmaſs*, by equal Portions, furth of all and hail the Lands of (*here inſert the Lands as they are in the Seaſin*) or furth of any Part or Portion thereof, and readieſt Mails, Ferms, Profites, and Duties of the ſame, and that of all years and terms bygone that the ſame has been in his *Majeſties* hands, or in the hands of his *Royal* Progenitors, Superiors of the ſaid Annualrent, by, and through the deceaſs of *I. W.* of that Ilk laſt lawful and immediat heretable Tennent and Vaſſal to one or other of them therein, And ſicklike of all years and Terms to come, ay and while the lawful Entrey of the righteous Heir or Heirs thereto. *With full Power* to the ſaid *I. R.* and his foreſaids, to intromet with, uplift, ask, crave and receive the Annualrent above-mentioned, out of the Lands and others above reharſed of all years and terms bygone and to come, and thereupon to diſpone at their pleaſure, and to call and purſue therefore as accords of the Law, Decreets of *Declarator*, general and ſpecial thereupon, to obtain and recover, and the ſame to due Execution cauſe be put, and upon payment to grant Diſcharges, whilks ſhall be ſufficient to the Receivers, and to do what elſe his Majeſty with Conſent foreſaid might do therein himſelf at any time before the granting of this preſent Gift, and that freely, quietly, well and in peace, but any Revocation, Contradiction, or again-calling whatſomever, and that the ſaid Letter of Gift be extended in moſt ample Form, with all Clauſes needfull, and with Command therein to all and ſundry his *Majeſties* Leidges, that they, nor none of them preſume nor take upon hand, to make any Let, Stop, Trouble or Impediment to the ſaid *I. R.* Donator above-ſpecified, or his foreſaids, in the peaceable Poſſeſſion, Bruiking, Joyſing, Uptaking, intrometting with, Uſing and Diſponing upon the foreſaid Nonentrie-duties of the Annual-

rent above-ſpecified, but that they ſuffer and permit them peaceably to bruik and enjoy the ſame, intromet therewith, uſe and diſpone thereupon at their pleaſure, under all higheſt pain and charge that after may follow. *Given at*

GIFT of NONENTRY *of Lands holden of the King.*

OUR SOVERAIGN LORD, with Conſent of (*here take in the Conſent* ut ſupra, *and then ſay*) ORDAINS a Letter of Gift to be made, and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent Form, giving, granting, and Diſponing to his Majeſties Lovit *R.W.* of —— his Heirs and Aſſigneys, one or more, the Nonentry Mails, Ferms, Profits and Duties, of all and hail the Lands of (*here inſert the Lands and others whereof the Nonentry is craved, as they are in the Seaſing*, and then ſay) and that of all years and terms bygone, that the ſame Lands and others foreſaids have been in the hands of his Majeſty, or any of his moſt Royal Progenitors, by reaſon of Nonentry, through and ſince the deceaſe of *I. B* of —— *C.D* of ---- or any others their Predeceſſors or Succeſſors, laſt immediat heretable Tennents and Vaſſals to their Majeſties therein, or through Reduction of whatſoever Retour, or Retours, Infeftments, or other Rights granted to them, or either of them, or otherways; And ſicklike of all years and terms to come, ay and while the lawful Entry of the righteous Heir or Heirs thereto, to be holden the ſaids Nonentries, Mails, Ferms, Profits and Duties of the ſaids Lands, and others foreſaids, to the ſaid *R.W.* and his foreſaids, of his Majeſty and his Royal Succeſſors during the ſaid ſpace, with all and ſundry Commodities, Freedoms, Eaſements, and righteous Pertinents thereof whatſoever pertaining and belonging thereto. *With full Power* to the ſaid *R.W.* of —— and his foreſaids, to intromet with, uplift, ask, crave and receive, the hail Nonentry Mails, Ferms, Profits and duties of all and hail the Lands, and others above-mentioned, with the Pertinents, als well of all years and terms bygone ſince the ſaid deceaſe, as in time coming, during the hail ſpace of the foreſaid Nonentrey, & ay and while the lawful Entry of the righteous Heir or Heirs thereto, and to uſe and diſpone thereupon at their pleaſure, and to Occupy and Poſſeſs the ſaids Lands and others foreſaids by themſelves, or ſet the ſame to Tennents as they ſhall think expedient, with Court, Plent, Herezald, and to call and purſue for the ſaid Nonentrie, Duties, Decreets, of Declarator and others needfull in the premiſſes: to recover, and the ſame to due Execution cauſe be put, and upon payment to grant Diſcharges, Whilks ſhall be ſufficient to the Receivers: and to do what els His Majeſty with conſent foreſaid, might do therein himſelf, before the granting of thir Preſents; and that freely, quietly, well, and in peace, but any Revocation, Contradiction, Obſtacle, Impediment, or again calling whatſomever: and that the ſaid Letter of GIFT be extended in moſt ample Form, with all Clauſes needful. *Given at.*

Nota, *Albeit the Lands be only in Non-entry.* 2. *Becauſe the Appearand Heir may be Major, and his own Fault he is not entered, yet there may be a Marriage due, in caſe the Lands hold Ward* (*or few* cum maritagio) *and that the apparent Heir was not married, before the deceaſs of the laſt Vaſſal: in which caſe the Marriage would be diſponed, and ſo conveyed in all the places of the* Gift, *proper for that Effect.*

GIFT

GIFT of Ward, Nonentrie, Relief and Marriage by his Majeſty as King, Prince and Stewart of SCOTLAND.

OUR SOVERAIGN LORD taking into his Royal Conſideration, the great Trouble, Care and Faithfulneſs of his right Truſtie, and well beloved Counſellour, Sir *G. M.* of —— his Majeſties Advocat in *Scotland*, and how Loyally and Legally he hath diſcharged his Duty in his Majeſties Service, ever ſince he was firſt intruſted therein (to his Majeſties great Satisfaction) upon which Account, his Majeſty being graciouſly deſireous upon all fit occaſions, to confer and beſtow on him ſome Marks als well of his Royal Bounty, as of his Favour; *Therefore* our ſaid Soveraign Lord, with the ſpecial Advice and Conſent of the Lords, and others Comiſſioners of his Majeſties Theſaury and Exchequer: *ORDAINS* a Letter of Gift to be made, paſt and exped under his Highneſs Privy Seal of that his Antient Kingdom of *Scotland*, in due and competent Form, giving, granting and diſponing; Likeas his Majeſtie, with Advice and Conſent foreſaid, by thir preſents, gives, grants and diſpons to, and in favours of the ſaid Sir *G. M.* of —— his Heirs and Aſſigneys, one or moe, the Ward and Nonentry Mails, Ferms, Profits and Duties of the Lands of —— and others with their Pertinents, and hail Kanes, Cuſtoms and Caſualities of the ſame, lyand within the Sheriffdom of —— which pertained to Umquhile —— *C.* of —— holden by him, his Predeceſſors and Authors of his Majeſty, either as King, Prince, or Stewart of *Scotland*, and that of all years and terms bygone, that the ſame hath been in his Majeſties hands, or in the hands of his Royal Predeceſſors, Superiors thereof, or any part of the ſame, by reaſon of Ward and Nonentrey, or either of them, by or through the deceaſe of the ſaid —— *C.* or any other his Predeceſſors and Authors, laſt Vaſſals to his Majeſty therein; and ſicklike in time-coming, ay and while the lawful Entry of the righteous Heir or Heirs thereto, they being of perfect Age, with the Relief thereof when it ſhall happen, together with the Marriage of —— *C.* now of —— and failzing of him by deceaſe, the Marriage of the next Heir who ſhall happen to ſucceed to the foreſaids Lands, with the hail Profits, Avails, Emoluments and Caſualities ariſing, or that may accreſce and ariſe from the ſaids Marriages. *With full Power* to the ſaid Sir *G. M.* and his foreſaids, to intromet with, purſue for, and uplift all and ſundry the ſaids Mails, Ferms, Canes, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others, with their Pertinents whereſoever they be, and that of all years and terms bygone and to come, that the ſame have been or may be in his Majeſties hands, in manner above-ſpecified, during the ſpace of the ſaid Ward, Nonentry, or either of them, and ay and while the lawful Entry of the righteous Heir, being of perfect Age, and thereupon with the foreſaid Marriages, and hail Benefits and Caſualities thereof, and Relief when it ſhall happen to uſe and diſpone at their pleaſure, and to call and purſue therefore, as accords of the Law, Decreets of Declarator, and other Sentences therefore, to recover, Compone, Tranſact and agree thereant, Acquitances and Diſcharges thereof to give, and to Occupy and poſſeſs the ſaids Lands and Pertinents of the ſame, during the ſpace above-written, with their own Goods, or ſet the ſame to Tennents, with all and ſundry other freedoms, Priviledges, Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* and that the ſaid Letter be further extended in the beſt form, with all Clauſes requiſite. *Given at*

GIFT of the Ward of the Laird of Roſythes *Marriage to himſelf, upon the Kings Letter.*

OUR *SOVERAIGN LORD*, with Advice and Conſent of (*here inſert the Conſents according to the Conſtitution for the time, and then ſay*) *in purſuance of his Majeſties Letter, direct to the ſaids Lords of Theſaury, dated---- whereby his Majeſty appoints* W. S. *of* R. *his Signatur of his Eſtate upon his Brothers Reſignation, to be paſt, and in caſe of his Brothers Deceaſe before the doing thereof, that the ſaid* W. *S. his Majeſties pleaſure to the ſaids Lords is, that the ſaid* W. M. *ſhall have the Ward of his own Marriage.* ORDAINS therefore a Letter to be paſt, and exped under his Majeſties Privy Seal of *Scotland*, giving, granting and diſponing to *W. S.* now of *R.* his Heirs and Aſſigneys, the Ward of his own Marriage, with all Profits and Commodities of the ſame that might have fallen to his Majeſty, or any other Donator, by the Laws and Practique of this Kingdom, which Marriage vaiks and falls in his Majeſties hands, and at his Majeſties Gift and Diſpoſition, by, and through the deceaſe of *J. S.* late of *R.* Brother to the ſaid *W*, before the ſaid *W.* obtained publick Infeftment of his Brothers Eſtate, (holding Ward) upon his Reſignation foreſaid. *With full Power* to the ſaid *W. S.* to diſpoſe of himſelf in Marriage at his own pleaſure, and to uptake and receive the whole Profits of the ſame, and to apply them to his own uſe, and to uſe and diſpone thereupon at his pleaſure, and to do all other things requiſite in that behalfe, whilk any Donator in the like caſe has done, or may do by the Laws and Practique of this Kingdom: Likeas, for his better Security, his Majeſty with Conſent foreſaid, Renunces, quite Claims, and forever overgives, and diſcharges in the ſaid *W.* his own Favours the Ward of his Marriage, and all Benefite, Profits and Commodities thereof, and Ordains the ſaid Letter to be farder extended, with all Clauſes needful. *Given at*

Nota, *Writers have need to be well informed, as to the* Modus Vacandi, *before they form Gifts of this nature, For Sir* Mungo Murray *having obtained a Gift of the Ward* N. *R. and Marriage of the Laird of* Innerallachie, *and miſſing a Step, Sir* William Purvers *took a new Gift better founded, (and I ſuppoſe for the Gentlemans behove) and appearing in Sir* Mungo *and his Aſſigneys their Declarator of the firſt Gift was preferred by the Lords, after a moſt litigious Debate, and will be found amongſt my Lord* Stairs *Deciſions, worthy of your Reading and Conſideration.*

GIFT of Penſion to my Lord Chancellor.

OUR *SOVERAIGN LORD* conſidering, that by a Patent of the date of theſe preſents, he hath been graciouſly pleaſed (upon the Conſiderations therein mentioned) to give, grant and diſpone during his Royal pleaſure, the great Truſt, Place and Office of high Chancellor of his Ancient Kingdom of *Scotland*, unto his right Truſtie and right well beloved Couſin and Counſellor, Sir G. G. of —— preſent high Chancellor; and his Majeſty conſidering the great Charge and Expenſe he muſt needs be at upon that occaſion: *Therefor* Ordains a Letter to be made & paſt under his Majeſties Privy Seal of his ſaid Kingdom, giving, granting and diſponing, likeas his Majeſty by theſe preſents (with Advice and Conſent of the Lord high Treſaurer, Theſaurer

ter-Deput, and remanent Lords and others of his Majesties Exchequer) gives, grants and disponeth unto the said Sir *G. O.* of *H.* as his high Chancellor aforesaid, a yearly Pension of Fifteen hundred Pounds *Sterling* Money, to be payed unto him at two terms every year, *Whitsunday* and *Martinmas*, by equal Portions, whereof the first Terms payment is to be at *Whitsunday* next ensuing the Date of these presents, and so furth to continue yearly and termly thereafter, during his Majesties pleasure only; *Commanding* hereby his Majesties Thesaurer-Principal, Thesaurer-Deput, his Cash-keeper, and all Collectors and Receivers of his *Majesties* Rents, Revenues, Customs, Casualities, Profits and Duties whatsoever, within his *Majesties* said Kingdom for the time being, readily to answer and pay the foresaid Pension (in manner already mentioned) to the said Lord high Chancellor, whose Receipt for the same in whole or in part, shall be to them, and to the Lords, and others Auditors of their Accompts (for allowing the same) a sufficient Warrand: And his Majesty Ordains the said Letter to be farder extended in the most Ample and best Form, with all Clauses needful. *Given at the Court at* Windsor-Castle *the first day of* May 1682, *and of his Majesties Reign the* 34 *year.*

GIFT of Pension to my Lord high Thesaurer.

OUR *SOVERAIGN LORD* taking into his Royal Consideration, that his right Trustie, and right well beloved Cousin and Counsellor, *W. M.* of *Q.* our high Thesaurer, must needs be at a great deal of constant charge and Expence upon the occasion of his being now appointed his Majesties high Thesaurer, & Thesaurer principal of his Ancient Kingdom of *Scotland*; Therefore his Majesty Ordains a Letter to be made and past under the Privy Seal of his said Kingdom, giving, granting, and disponing, likeas his Majesty by these presents (with the Advice and Consent of the Lord Thesaurer-Deput, and remanent Lords and others of his Majesties Exchequer) gives, grants, and dispons unto the said *W. M.* of *Q.* as his Majesties high Thesaurer, and Thesaurer principal aforesaid, a yearly Pension of fifteen hundred pound *Sterling* Money, to be payed unto him at two Terms every year, *Whitsunday* and *Martinmas*, by equal Portions, whereof the first Terms payment is to be at *Whitsunday* next ensuing the date of these presents, and so furth to continue yearly and termly thereafter, during his Majesties pleasure only; *Commanding* hereby his Majesties Thesaurer-Deput, his Majesties Cash-keeper, and all Collectors and Receivers of his Majesties Rents, Revenues, Customs, Casualities, Profits and Duties whatsoever, within his Majesties said Kingdom for the time being, readily to answer and pay the foresaid Pension (in manner already mentioned) to the said Lord high Thesaurer, whose Receipt for the same, in whole or in part, shall be to them, and to the Lords and others Auditors of of their Accompts for allowing the same a sufficient Warrand: And his Majesty Ordains the said Letter to be furder extended, in the most ample and best Form, with all Clauses needful. *Given at the Court at* Windsor Castle *the first day of* May 1682, *and of his Majesties Reign the* 34. *year.*

GIFT of Pension to my Lord Privy Seal.

OUR *SOVERAIGN LORD* taking into his Royal Consideration, the very great Charge and Expenses which his right Trustie, and right well beloved Cousin and Counsellor, *J. M.* of *A.* has been, and still is at

in the ſeveral Stations wherein he is imployed in his *Majeſties* Service, and his Majeſty (for his further Incouragement) being graciouſly deſireous to confer an Additional Mark of his Royal Favour and Bounty upon him: *Therefore* Ordains a Letter to be made, and paſt under the Privy Seal of the Ancient Kingdom of *Scotland*, giving, granting, and diſponing, likeas his *Majeſty* by theſe preſents, (with Advice and Conſent of the Lord high Theſaurer, Theſaurer-Deput, and remanent Lords and others of his Majeſties Exchequer,) gives, grants, and diſpones unto the ſaid *J.* M. of *A.* a yearly Penſion of five hundred pound *ſterling* Money, to be payed unto him at two Terms every year, *Whitſunday* and *Martinmaſs*, by equal portions, whereof the firſt Terms payment is to be at *Whitſunday* next enſuing the date of theſe preſents, and ſo furth to continue yearly and termly thereafter, during his *Majeſties* pleaſure only, *Commanding* hereby his Majeſties Theſaurer-principal, Theſaurer-Deput, his Majeſties Caſh-keeper, and all Collectors and Receivers of his Majeſties Rents, Revenues, Cuſtoms, Caſualities, Profits, and Duties whatſoever, within his Majeſties ſaid Kingdom for the time being, readily to anſwer and pay the foreſaid Penſion (in manner already mentioned) to the ſaid *J. M.* of *A* whoſe Recept for the ſame in whole or in part, ſhall be to them, and to the Lords and others Auditors of their Accompts for allowing the ſame a ſufficient Warrand: And his Majeſty Ordains the ſaid Letter to be furder extended, in the moſt ample and beſt Form, with all Clauſes needful *Given at the Court of* Windſor-Caſtle *the firſt day of* May 1682, *and of his Majeſties Reign the* 34 *year.*

Nota, *That King* Charles *the ſecond, not only conferred the ſaid Penſion upon the Marquis of* Athole, *but afterwards (and by and attour the ſame) conferred upon him and his Succeſſors in the Office* 900 *pound* Sterling *a year, and ſo continues.*

GIFT of Penſion to my Lord Secretary,

OUR SOVERAIGN LORD, *Ordains* a Letter to be made and paſt under his Majeſties Privy Seal, of His Highneſs Ancient Kingdom of *Scotland*, making mention that His Majeſty taking into His Royal Conſideration, the great Charges and Expenſes which His right truſty, and right well beloved Couſin and Counſellor *A. E.* of *M.* muſt needs be at, upon the occaſion of his conſtant Attendance in His Majeſties Service, (as one of His Majeſties two Secretaries of State for His ſaid Kingdom) therefore to have given and granted, likeas His Majeſty by theſe preſents (with the Advice and Conſent of his Majeſties right Truſtie and intirely beloved Couſin and Counſellor, *W. D.* of *Q.* Lord high Theſaurer, his Majeſties right Truſtie and well beloved Couſin and Counſellor, *J. E.* of *K.* Lord Theſaurer-Deput, and of the reſt of the Lords of the Exchequer) gives and grants unto the ſaid *A. E.* of *M.* as one of his Majeſties two Secretaries of State for his ſaid Kingdom, a yearly Penſion of one thouſand pound *Sterling* Money, out of the firſt and readieſt of his Majeſties Rents, Revenues, Cuſtoms and Caſualities whatſoever of his ſaid Kingdom, to be payed unto him at two Terms every year, *Whitſunday* and *Martinmaſs*, by equal Portions, whereof the firſt Terms payment is to be at *Whitſunday*, next enſuing the date of theſe preſents, and ſo forth to continue yearly and termly thereafter, during his *Majeſties* pleaſure only, requiring hereby the ſaid Lord high Theſaurer, Lord Theſaurer-Deput, Caſh-keeper, Collectors and Receivers of his Majeſties Rents, Reveneus, Cuſtoms, and Caſualities aforeſaid, readily to anſwer and pay the ſaid Penſion (in man-

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ner, and during the ſpace foreſaid) to the ſaid *A. E.* of *M.* whoſe Receipt for the ſame, in whole or in part (together with theſe preſents) ſhall be to them and all others who may be therein reſpectively concerned any manner of way, and particularly to the Lords Auditors of their Accompts for allowing the ſame, a ſufficient Warrand: And his Majeſty ordains the ſaid Letter to be furder extended in the moſt ample and beſt Form, with all Clauſes needfull. *Given at the Court at* White-hall *the* 10*th day of* February 168, *and of his Majeſties Reign the firſt year.*

GIFT of Penſion to my Lord Preſident.

OUR SOVERAIGN LORD, Ordains a Letter to be made, and paſt under his Majeſties Privy Seal of his Ancient Kingdom of *Scotland*, giving, granting, and diſponing, *Likeas*, his Majeſty by theſe preſents (with the ſpecial Advice and Conſent of the right Honourable the Lords Commiſſioners of his Majeſties Theſaury, and the reſt of the Lords of Exchequer) gives grants, and diſpones unto his Majeſties right Truſtie, and right well beloved Counſellor *Sir. G. L.* of *C.* Preſident of his Majeſties Colledge of Juſtice, a yearly Penſion of ſeven hundred pounds *ſterling Money*, to be payed unto him at two Terms every year, *Whitſunday* and *Martinmas*, by equal Portions, whereof the firſt Terms payment is to be at *Martinmas*, next enſuing the date of theſe preſents, and ſo furth to continue yearly and termly thereafter, during his *Majeſties* pleaſure only, requiring the ſaids Lords, Commiſſioners of his *Majeſties* Theſaury, Caſh-keeper, and all Collectors and Receivers of his *Majeſties* Rents, *Revenues*, Cuſtoms, *Caſualities*, Profits and Duties whatſoever within his *Majeſties* ſaid Kingdom for the time being, readily to anſwer and pay the foreſaid Penſion (in manner already mentioned) to the ſaid Sir G. L. whoſe Receipt for the ſame, in whole or in part, ſhall be to them, and to the Lords Auditors of their Accompts reſpectively for allowing the ſame, a ſufficient Warrand; *Declaring* hereby, that the ſaid yearly Penſion of ſeven hundred pounds *ſterling*, is over and above any other Penſion or Allowance formerly granted by his *Majeſty* to the ſaid *Sir G. L.* And his *Majeſtie* Ordains the ſaid Letter to be farther extended in the moſt ample and beſt Form, with all *Clauſes* needful. *Given at the Court of* Windſor, *the* 30 *day of* July 1686, *and of his Majeſties Reign the ſecond year.*

Another GIFT of Penſion to Sir George Gordon *of* Haddo (*now Earl of* Aberdene) *as Preſident of the Colledge of Juſtice, of a pure and neat Stile.*

OUR *SOVERAIGN LORD*, conſidering the eminent Abilities, and known Loyalty, and Fidelity of his Truſtie and well beloved Counſelor, *S. G. G.* of *Haddo*. And having formerly made and appointed him Preſident of his *Majeſties* Colledge of Juſtice, in place of *S. I. D.* of S. late Preſident thereof, conform to the Tenor of the Commiſſion under his *Majeſties* Great Seal, of the date the —— day of *October* laſt, Nominating and Appointing the Lords of Seſſion therein mentioned, and deſigned both Ordinar and Extraordinar, and thereby appointing him to be Preſident of the Colledge of Juſtice, and that neceſſar it is for his *Majeſties* Honour, and the good of his Service, that a Place of ſo much Eminency be ſufficiently provided and encouraged for ſupporting the Grandoure thereof, and that it's juſt and reaſon-

able, that the Penſion formerly given to the ſaid *S. J. D.* of *S.* be now ſettled upon the ſaid *S. G. G.* Therefore his Majeſty, with Advice and Conſent of the Lords Commiſſioners of his Majeſties Theſaury, and of his Theſaurer-Deput, and of the remanent *Lords*, and others of his Highneſs Exchequer: Ordains a Letter to be made, and paſt under his Majeſties Privy Seal of his Ancient Kingdom of *Scotland*, giving, granting, and diſponing; *Likeas*, his Majeſty by the Tenor hereof, with Conſent foreſaid, Gives, Grants and Diſpones to his ſaid Truſty Counſellor *S. G. G* of *H.* Preſident of his Colledge of Juſtice, for all the days of his natural Lifetime, a yearly Penſion of five hundred pound *ſterling*, to be payed to him furth of the firſt and readieſt of his Majeſties Rents, Revenues, and Caſualities whatſoever, at two Terms in the year, *W.* and *M.* by equal Portions, beginning the firſt Terms payment thereof at the Feaſt and Term of *M.* 1681. and from thence forth to continue yearly and Termly during all the days of his Lifetime, as ſaid is. *With full Power* to him by himſelf, or by his Servants, or others impowered by him for his uſe, to ask, crave, receive and intromet with the ſame yearly and termly at the Terms above-mentioned, and to give Acquittances and Diſcharges thereupon, which are hereby Declared to be ſufficient to the *Receivers* thereof, and generally to do all and ſundry other things thereanent, ſicklike, and als freely in all reſpects as the ſaid *S. J. D.* of S. or any others who had any Penſion from his Majeſty within his Kingdom of *Scotland*, did, or might have done anent the premiſſes: *Commanding* hereby the ſaids Commiſſioners of his Majeſties Theſaury, Theſaurer and Theſaurer-Deput preſent, and for the time being, and their Succeſſors, Receivers of, and Intrometters with his Majeſties Rents, Revenues, and Caſualities whatſoever, any manner of way, to make good and ready payment to the ſaid *S. G. G.* and his foreſaids of the ſaid yearly Penſion, at the Terms above-mentioned, as alſo the ſaids Lords and others Auditors of their Accompts. to allow the ſame ſo payed: Accordingly for all which, theſe preſents are, and ſhall be to them, and every one of them a ſufficient Warrand. *Given at the Court at* Whitehall, *the* 27 *day of* October 1681. *and of his Majeſties Reign the* 33 *year.*

GIFT *of Penſion to my Lord Regiſter.*

OUR *SOVERAIGN LORD*, taking into his Royal Conſideration, that his *Majeſties* right Truſty and well beloved Counſellor, *S. G. M.* of *T.* Clerk of his *Majeſties Councils*, Regiſters and Rolls, in his Ancient Kingdom of *Scotland*, muſt needs be at great Charges and Expenſes, upon occaſion of his conſtant Attendance at *Edinburgh*, in order to the performance of his Duty in his *Majeſties Service*; Therefore Ordains a Letter to be made, and paſt under the Privy Seal of his ſaid Kingdom, giving, granting, and diſponing; Likeas, his *Majeſty* by theſe preſents (with Advice and Conſent of his right Truſty, and right well beloved *Couſin* and Counſellor, *W. D.* of *Q.* *Lord* high Treſaurer, his right Truſty and well beloved *Couſin* and *Counſellor*, *J. E.* of *K.* Lord Theſaurer-Deput, and of the remanent *Lords* of Exchequer) gives, grants, and diſpones to the ſaid Sir *G. M.* of *T.* as *Clerk* of his *Majeſties* Counſels, Regiſters and Rolls aforeſaid, a yearly Penſion of four hundred pound *ſterling* Money, to be payed unto him at two Terms every year, *Whitſunday* and *Martinmaſs*, by equal Portions, whereof the firſt Terms payment is to be at *Whitſunday*, next enſuing the date of theſe preſents, and ſo furth to continue yearly and termly thereafter, during his *Majeſties* pleaſure only; *Commanding* hereby his *Majeſties* Theſaurer-principal, Theſaurer-Deput, Caſh-keeper, and all *Collectors* and Receivers of his *Majeſties* Rents, Revennes, Cuſtoms

Customs, Casualities, Profites, and Duties whatsoever within his said Kingdom for the time-being, readily to Answer and pay the foresaid Pension (in manner and during the space already mentioned) unto the said Sir G. M. of T. whose Recept for the same in whole or in part, shall be to them, and to the Lords Auditors of their Accompts for allowing the same a sufficient Warrand: And his Majesty Ordains the said Letter to be further extended, in the most ample and best Form, with all Clauses needful. *Given at the Court of* White-hall *the twenty sixth day of February* 168⅛, *and of his Majesties Reign the first year.*

GIFT of Pension to my Lord Justice-General E. of Q.

OUR SOVERAIGN LORD having Experience of the Loyalty and Affection to his Majesties Service, of his right Trustie and well beloved Cousin and Counsellor *W. E. of Q. &c.* his Majesties Justice-General of his Ancient Kingdom of *Scotland*, and considering the Pains and Charges which he must needs sustain by the necessity of his repairing frequently to *Edinburgh*, and several other places, upon the occasion of discharging his Duty in the said Office of Justice-General; *Therefore* his Majesty with Advice and Consent of the right Honourable the Lords Commissioners of his Majesties Thesaury, and of the remanent Lords and others the Commissioners of his Majesties Exchequer of his said Kingdom, Ordains a Letter to be made and past under his Privy Seal, in due Form, Giving, Granting, and Disponing; Likeas, his Majesty hereby gives, grants, and disponers unto the said W. E. of Q. as Justice-general a yearly Pension of six hundred pounds *Sterling* Money, to be payed unto him at two Terms in the year, *Whitsunday* and *Martinmass*, by equal portions, whereof the first Terms payment is to be at the Term of *Martinmass* in this present year of God, Requiring the saids Lords Commissioners of his Majesties Thesaury present, or that hereafter shall be Thesaurers-principal and Depuys, and all Receivers of his Majesties Rents, Revenues, Customs, and Casualities whatsoever within the said Kingdom, to readily answer and pay the said Pension unto the said *W. E.* of Q. for doing whereof these presents shall be to them, and unto the Lords Auditors for allowing the same in their Accompts a sufficient Warrand, and his Majesty Ordains the said Letter to be farder extended in the best Form, with all Clauses needful. *Given at the Court at* Windsor-Castle *the* 12 *day of* June 1680, *and of his Majesties Reign the* 32 *year.*

GIFT of Additional yearly Pension to the said E. *of* Q. *as Justice-General.*

OUR SOVERAIGN LORD, taking into his Royal Consideration, that the yearly Pension of six hundred pound *sterling* Money granted by his Majesty, upon the 12 day of *June* 1680, to his right Trustie and well beloved Cousin and Counsellor, *W. E.* of Q. comes very far short of the great Charges which he doeth sustain by his frequent Resorts to, and long Abodes in *Edinburgh* about His Majesties Service in several eminent Stations, wherein he hath upon all Occasions behaved himself to his Majesties Satisfaction; especially in the late Session of Parliament there, and his Majesty being graciously desirous to confer a new mark of his Favour and Bounty upon the said *E.* as a further Encouragment unto him to persist in the same Zeal which heretofore he hath shown in his Majesties Service. Therefore His Majesty with the Advice and

Conſent of the right Honourable the Lords Commiſſioners of His Majeſties Theſaury, and of the remanent Lords and others of His Exchequer; Ordains a Letter to be made, and paſt under His Privy Seal of his Ancient Kingdom of *Scotland*, giving, granting and diſponing; Likeas, His Majeſty hereby gives, grants, and diſpons unto the ſaid *W. E.* of *Q.* an additional yearly Penſion of five hundred pounds *ſterling* Money, during all the days of his natural Life, to be payed unto him, as in the preceeding Penſion *uſque ad finem.*

GIFT of Baſtardy, where the ſubject matter conſiſts in a Perſonal and Movable Eſtate.

OUR *SOVERAIGN LORD* (with Advice and Conſent of (*here inſert the Conſents according to the Conſtitution for the time*) Ordains a Letter of Gift to be made and paſt under His *Majeſties* Privy Seal, in due and competent Form, giving, granting and diſponing; Likeas, His Majeſty with Conſent foreſaid by theſe preſents, give, grants and diſpones to *J. S.* of —— his Heirs and Aſſigneys, one or more whatſoever, all and ſundry Goods, Gear, Inſight, Pleniſhing, Merchant-Ware, Debts, *Sums* of *Money*, Jewels, Gold, Silver, coyned or uncoyned, Contracts, Bonds, Obligations, Aſſignations, Tranſlations, Diſpoſitions, Tickets, Acts, Actions, Decreets, Sentences, Tacks, Aſſedations, Corns, Cattel, Horſe, Nolt, Sheep, Abulziments, and other Goods and Gear whatſoever, both Heretable and Moveable, and als well not named as named, whilks pertained of before to the deceaſed R. J. Merchant in ---- the time of his deceaſe, now pertaining and belonging to His Majeſty, and fallen and become in His Highneſs hands, and at his Giſt and Diſpoſition, by reaſon of 6 Baſtardie Laws and Practique of the ſaid Kingdom, and inherent Priviledge of His Majeſties Crown, through the ſaid R. *J.* his being born Baſtard, and deceaſſing Baſtard without lawful exiſting Iſſue of his own Body, or lawful Diſpoſition made by him thereof at any time in his lifetime, *With full Power* to the ſaid *I. S.* as Donator foreſaid, and to his Heirs and Aſſigneys aboye-ſpecified: to intromet with, upliſt, ask, crave, and receive the hail Goods, Gear, Debts, *Sums* of *Money*, and others above-diſponed, both Heretable and Moveable formerly pertaining to the ſaid R. J. and now to his Majeſty by reaſon foreſaid, and thereupon to uſe and diſpoſe at their pleaſure, and if need be is to call and purſue therefore, as accords of the Law, Decreets of *Declarator* and others, in the Premiſſes to obtain and recover, and the ſame to due Execution cauſe be put, compone, tranſact, and agree thereanent, and upon payment to grant Diſcharges, Whilks ſhall be ſufficient to the Receivers, and to do what els the ſaid R. J. might have done at any time in his lifetime, or as his Majeſty with Conſent foreſaid might do therein by the Laws and Practique of this Kingdom, at any time ſince his deceaſs; and that freely quietly *&c.* but any Revocation, *&c.* and that the ſaid Letter of Gift be extended in moſt ample Form, with all Clauſes needful. *Given at*

GIFT of Ultimus Hæres.

OUR *SOVERAIGN LORD* (Take in the former Gift, till ye come to the the 6 figure, and then ſay (by reaſon of *Ultimus Hæres*, Laws and Practique of the ſaid Kingdom, and inherent Priviledge of the Crown, through the ſaid *R. J* his deceaſe without Heirs lawfully begotten of his own Body, and

and that there is none that in Law can ſucceed as Heir and Executor to him within the tenth Degree, or by whatſoever other manner of way, the ſame now falls, vaiks, and becomes in His Majeſties hands, and at his Gift and Diſpoſition, diſpenſing always with the generality foreſaid forever. *With full Power* to the ſaid *J. S.* to conclude the Gift *ut ſupra.*

A Gift of Baſtardy and Ultimus Hæres *in one.*

OUR *SOVERAIGN LORD*, , with Advice and Conſent of (*here inſert the Conſents* ut ſupra, and write the other mediat Gift, till ye come to the 6 Figure, and then ſay; By reaſon of Baſtardy, or as *Ultimus Hæres*, or either of them, by the Laws and Practique of this Kingdom, and inherent Priviledge of His *Majeſties* Crown, through the ſaid R. *J.* his being born and deceaſing Baſtard, without lawful exiſting Iſſue of his own Body, or lawful Diſpoſition made by him thereof at any time in his Lifetime, or becauſe there is none in law can ſucceed as Heir or Executor to him, within the tenth Degree of Kin, or by whatſoever other manner of way, the ſame now falls, vaiks, and becomes in his Majeſties hands, diſpenſing always with the generality foreſaid forever. *With full Power* to the ſaid *J. S.* to conclude this Gift according to the former.

GIFT of the Office of Maſter of the Mint to Sir W. *S. of* S.

OUR *SOVERAIGN LORD* with the ſpecial Advice and Conſent of His Majeſties right Truſty and intirely beloved Couſin and Counſellor. *W. D.* of *Q.* Lord high Treaſaurer, His Majeſties right Truſty and well-beloved Couſin and Counſellor *J. E.* of *K.* Lord Theſaurer-Deput, and of the reſt of the Lords of his Majeſties Exchequer of His Ancient Kingdom of *Scotland*, his Highneſs Commiſſioners Ordains a Letter of Gift to be made, and paſt under His Majeſties Privy Seal of His ſaid Kingdom, in due and competent Form, making mention, that His Majeſty taking into His Royal Conſideration, that the Place, Truſt and Office of Maſter of His Majeſties Coyn-houſe, and Mint within his ſaid Kingdom (now vacant in His Majeſties hands, by whatſoever manner of way) being at his *Majeſties* Gift and Diſpoſal, and that His Majeſty judging it a matter of great Importance to His Service, and the good of his People, that the ſame be given to a perſon of known Integrity as well as Loyalty, and other Qualifications fitted for the diſcharge of the duty thereof, and alſo, that His Majeſty being fully convinced of, and ſatisfied with the Loyalty, Integrity, Diligence, Faithfulneſs, and other good Endowments of His Truſty and well-beloved Sir *W. S.* of *S.* Knight and Baronet, whereby he is fitly qualified for diſcharging the duty of the ſaid place, Truſt and Office. And His Majeſty being graciouſly deſireous to confer new Marks of His Royal Favour upon the ſaid Sir *W. S.* and his Family, as there ſhall be fit occaſions for doing the ſame for his and their *Encouragement*. *Therefore* to have made Conſtituted, Appointed and Ordained; Likeas His Majeſty of his certain Knowledge and proper Motive, and out of his princely Favour and Benignity (with Advice and Conſent foreſaid) by theſe preſents, Makes, Conſtitutes, Appoints and Ordains the ſaid Sir *W. S.* during His Majeſties Royal pleaſure only, Maſter of His Majeſties Coyn houſe, and Mint of His ſaid Ancient Kingdom, giving, granting and diſponing unto him, as ſaid is, all and hail the Place, Truſt and Office of His Majeſties Coyn-houſe and Mint afore-

said, with all Fees, Liberties, Priviledges, Lodgings, Conveniencies, and Casualities whatsoever due, and any ways appertaining, and belonging to the same, or that Umquhile *G. F.* the deceased, *Sir J. F.* or *Sir J. F.* now of *B.* sometimes Masters thereof, or any others of their Predecessors therein ever enjoyed and brooked and were in Possession of, or might have uplifted; With full and ample Power, Warrant and Commission to the said Sir *W. S.* during the space foresaid by himself, and his Deputs in his absence (for whom he shall be holden to answer) to use and exerce the said Place, Trust and Office of Master of His Majesties Coyn-house and Mint aforesaid, and to uplift the Fees, Profites and Casualities thereof in the same manner, and as fully and freely in all Respects and Conditions, as the said umquhile *G. F.* the deceased and the said *Sir J. F.* now of *B.* or any of their Predecessors aforesaid did or might have done at any time heretofore, or as the said Sir *W. S.* may lawfully do by vertue of these presents. And His Majesty Ordains the said Letter of Gift to be further extended, in the most ample and best Form, with all Clauses needful. *Given at the Court at* White-hall *the* 26th *day of* January 168[illegible] *and of his Majesties Reign the* [illegible]

GIFT *of being Principal Warden of the Mint to* A. M.

OUR *SOVERAIGN LORD*, with Advice and Consent of (*here insert the Consents according to the Constitution for the time, and then say*) Ordains a Letter of Gift to be made and past under His *Majesties* Privy Seal of the foresaid Kingdom, in due Form, *Tenor* following, that His Majesty understands that the Office of Principal Warden of His Majesties Mint and Coyn-house, within His Majesties said Ancient Kingdom of *Scotland*, is now vacant, and becomes in his Majesties hands, and at his Royal Donation and Disposal, through and by *I. F.* of *I.* principal Warden thereof, his Dimission of the said Office in His Majesties hands, by reason of his old Age, and thereby become infirm and unable to attend and officiat therein for the future; And His Majesty being sufficiently informed of the Ability, Fidelity, and good Qualifications of His Majesties Lovit *A. M.* who for these twenty years bygone has faithfully and carefully served as Comptr. Warden of His Majesties said Coyn-house, and which Office and Benefite thereof is now conferred by His Majestie by a new Gift upon *A. F.* son to the said *I. F.* for exercing and discharging the foresaid Office and Trust of principal Warden of His Majesties Mint and Coyn-house in the said Kingdom, and being willing and desirous to give the said *A. M.* all due Encouragment, and to confer a mark of his Majesties Royal Favour and Bounty upon him: *Therefore*, Our Soveraign Lord of his Highness certain Knowledge and proper Motive, with Advice and Consent foresaid, hath made, constitute and ordained, and by these Presents, makes, constitutes, and ordains the said *A. M.* Principal Warden of his Majesties Coyn-house of his said Ancient Kingdom of *Scotland*, and gives, grants, and disponeth to him the Office thereof, during all the dayes of his Lifetime, with all ordinary and extraordinary Wages, Fees, Casualities, and Duties used and wont, pertaining and belonging thereto, and in special giving and disponing, likeas his Majesty with Consent foresaid, gives and disponeth to the said *A. M.* the sum of four pound three shilling four pennies *Scots* Money in ordinar Monthly Wages, that the said *I. F.* had gifted and disponed to him of before, to be payed unto him with all the other Fies, Casualities, and Duties aforesaid, out of the readiest Profits of the said Coyn-house by the Master of the said Coyn-house of the said Kingdom of *Scotland*, present and to come, during

during the said space with full Power to the said *A. M.* to use and exerce the said Office by himself, or his Deputs (for whom he shall be answerable) during his lifetime as said is, and to uplift and receive the said Wages, Fees, Casualities and Duties, as well ordinar as extraordinar, particularly and generally above specified, & like and as freely in all respects as the said *J. F.* or any others his Predecessors principal Wardens of the said Coyn house have exerced, uplifted and enjoyed the same at any time bygone; *Commanding* the General of His Majesties *Mint*, to receive and admit the said *A. M.* to the foresaid Place and Office of principal Warden in the usual Form, and commanding the Master of the said Mint for the time being, to make payment to him of all ordinary and extraordinary Wages and Fees, and of all Casualities and Duties belonging to the said Office, as said is, and that during his lifetime, and which shall be thankfully allowed to the said Master of the Mint present and to come, yearly in his Accompts to be given in to his Majesties Exchequer by the Lords Auditors thereof, whom His Majesty with Consent foresaid hereby commands to deduce and allow to them yearly in their Accompts. This his Majesties Gift once being shown upon Accompts in his Majesties said Exchequer, and registrat in the Rolls thereof as effeirs. *Given at the Court at* White-hall *the 26 day of* January *1682, and of his Majesties Reign the 33 year.*

Conjunct Gift of being Essay-Master of the Mint, in favours of M. H. A. and H. A. his Son, and to the longest liver.

OUR SOVERAIGN LORD taking into his Royal Consideration, the faithfull and acceptable Services performed to his most intirely beloved Royal Brother King *CHARLES* the *Second* (of ever blessed memory) by *Mr. H. A.* for many years as Essay-master of the Mint in his Ancient Kingdom of *Scotland*, with the great Prejudice and Losses sustained by him since the shutting up of the said *Mint*; Notwithstanding of his neither having been guilty, nor accused of any Crime or Malversation that might justly occasion his being deprived of any part of his Sallary and Profits of the said Office, which was by His late Majesty bestowed upon him during his Life; And also considering that by the late Act of the last Session of the last Parliament of his Majesties said Kingdom for settling the Mint, and a free Coynage, His *Majesty* with Consent of the Estates of Parliament, did Statute and Ordain the Erection, Settling and Opening of his Mint therein, and the several Offices and Places of Trust thereunto belonging, with the respective Sallaries due to each of them, as the said Act in it self more fully bears: And his Majesty further considering that the Skill and Knowledge requisite to an Essay-master are of such a Nature as will require a long time for any person to be rendered perfect therein; and that the said *Mr. H. A.* is willing and desireous to be at the pains of instructing his Eldest Son *H. A.* so as he may be fitly qualified for serving his *Majesty* in the said Office. *Therefore*, and as a *Mark* of his favour to the said *Mr. H. A.* Ordains a Letter to be made and past under His *Majesties* Privy Seal of His said Kingdom, Nominating, *Making*, Constituting and Ordaining, Like as His *Majesty* (with the special Advice and Consent of his *Majesties* right Trusty, and right well beloved Cousins and Counsellors, *J. E.* of *P.* Lord high Chancellor, and *J. M.* of *A.* Lord keeper of the Privy Seal, his right Trusty and intirely beloved Cousins and Counsellors, *W. D.* of *H.* and *G. D.* of *G.* and his *Majesties* right Trusty and well beloved Cousins and Counsellors, *J. E.* of *T. C. E.* of *B. G. U.* of *T.* Lord Register, and *W. V.* of *S.* Lieutenant-General of all his *Majesties* Forces in the said Kingdom,

Lords Commiſſioners of His *Majeſties* Theſaury, and of the Lords Commiſſioners of Exchequer, Nominats, *Makes*, Conſtitutes and Ordains the ſaid *Mr. H. A.* and *H. A.* his eldeſt Son during all the days of their Lives *reſpectively*, conjunct Eſſay-maſters of His *Majeſties* Mint and Coyn-houſe in his ſaid *Kingdom*, giving and granting unto the ſaid *Mr.* H. and *H.* conjunctly and ſeverally during the ſpace foreſaid the Office of *Eſſay*-maſter of his *Majeſties* ſaid Mint and Coyn-houſe, with all Fees, Profits, Liberties, *Priviledges*, Immunities and Caſualities whatſoever thereunto belonging as fully and freely in all reſpects and Conditions as the ſame were formerly enjoyed by the ſaid Mr. *H. A.* or any of his Predeceſſors in the ſaid Office, and particularly the Sum of one thouſand and two hundred pounds *Scots*, as the Fee and Sallary ſetled by the ſaid Act, yearly upon the Eſſay-maſter of the ſaid Mint, out of the firſt and readieſt of the twelve thouſand pounds *Scots* of the Impoſition laid upon the Commodities mentioned in the ſaid Act, and ſet a part for payment of the Fees of the Officers of the *Mint*, maintaining of the Fabrick, and providing new Tools, and for other incident Charges relating to the *Mint*, to be payed at four Terms every year, *Candlemas*, *Whitſunday*, *Lambmas and Martinmas*, commencing from the firſt day of *November* laſt paſt, conform to the ſaid Act of Parliament, and ſo furth to continue yearly and quarterly thereafter, during the ſpace foreſaid; *Commanding* hereby the General and *Maſter* of the ſaid Mint, preſent and to come, to make payment to the ſaid *Mr. H.* and *H. A.* of the foreſaid Fee and *Sallary* at the Terms aforeſaid, during the ſpace above-mentioned. *With full Power* and *Liberty* to the ſaid *Mr. H.* and *H.* A. conjunctly and ſeverally, and their Deputs in their abſence (for whom they ſhall be anſwerable) to uſe and exerce the ſaid *Office* of Eſſay-maſter of his Majeſties ſaid *Mint* and *Coyn*-houſe, and to receive, uplift and enjoy the Fees, Profits, *Priviledges*, Emoluments and Caſualities generally and particularly above-mentioned, during the ſpace foreſaid: And his *Majeſty Ordains* the ſaid *Letter* to be further extended, in the moſt ample and beſt Form, with all Clauſes needful. *Given at the Court at* White-hall, *the 22d day of* March 1687, *and of His Majeſties Reign the 3 year.*

Gift of being Counter-Warden of the Mint to A. F.

OUR SOVERAIGN LORD, conſidering that the *Office* of Counter-warden of his *Majeſties* Mint and Coyn-houſe, within his Majeſties ancient Kingdom of *Scotland*, is now vacant, and fallen and become in his Majeſties hands, and at his Highneſs Gift and Diſpoſal, by and through the Advancement of *A. M.* late *Counter-Warden* thereof to the *Office* and *Truſt* of Principal Warden of the ſaid *Coyn*-houſe; And his Majeſty being well informed of the Ability and Qualification of *A. F.* lawful *Son* to *J. F.* of *T.* late principal Warden of his *Majeſties* Coyn-houſe, for exercing of the ſaid Office of Counter-Warden of the ſaid Coyn-houſe, in Vice and Place of the ſaid *A. M. Therefore* His Majeſty with Advice and Conſent of his right Truſty and well beloved Couſins and Counſellors *J. D.* of *L.* Lord Preſident of His *Majeſties Privy Council* of his Majeſties ſaid Ancient Kingdom of *Scotland J. M.* of *A.* Lord Privy Seal thereof, *A. E.* of *M.* ſole Secretary of State to His *Majeſty* for the ſame, *W. E.* of *Q. P. E.* of *S.* and of his *Majeſties* Truſty and well beloved Counſellor, *C. M* of *H.* His *Majeſties* Treſaurer Deput, Commiſſioners of His *Majeſties* Theſaury, *&c.* in the ſaid Kingdom; And als with Advice and Conſent of the remanent Lords and others of His *Majeſties* Exchequer thereof; Ordains a Letter of Gift to be made, and paſt under His *Majeſties* Privy Seal of the ſaid *Kingdom*, in due Form, *Making*, Conſtituting and Ordaining

Ordaining, likeas his Majeſty by theſe preſents, makes, Conſtitutes and Ordains the ſaid *A. F.* Counter-Warden of his Majeſties *Mint*-houſe of the ſaid Kingdom, giving and diſponing to him the ſaid Office during all the days of his Lifetime, together with all ordinary and extraordinary Fees, Wages, Caſualities and Duties pertaining and belonging thereto, uſed and wont, and in ſpecial giving and diſponing to him the Sum of three pounds ſix Shillings eight pennies *ſcots Money* in ordinary monthly Wages, to be payed to him out of the readieſt Profits of the ſaid Coyn-houſe, by the *Maſter* of the ſame, preſent and to come: *With Power* to the ſaid *A. F.* to exerce the ſaid Office during the ſaid ſpace, by himſelf or his Deputs (for whom he ſhall be anſwerable) and to uplift and receive the ſaid Wages, Fies, Caſualities and Duties as well ordinar as extraordinar, particularly and generally above-mentioned; ſicklike, and as freely in all reſpects, as the ſaid *A. M.* or any others his Predeceſſors, Counter-wardens have exerced, uplifted, and enjoyed the ſame at any time bygone, *Commanding* the General of his *Majeſties Mint* to receive and admit the ſaid *A. F.* to the ſaid Place and Office of Counter-warden in the uſual Form, *and Commanding*, the *Maſter* of the ſaid *Mint* for the time being, to make payment to him of all ordinary and extraordinary Wages and Fees, and of all *Caſualities* and Duties as ſaid is, and that during his Lifetime, and which ſhall be thankfully allowed to the ſaid *Maſter* of the *Mint*, preſent and to come yearly in his Accounts to be given in to his *Majeſties* Exchequer, by the Lords Auditors thereof, whom his *Majeſty* with Conſent foreſaid, hereby Commands to defaze, and allow to him yearly in their Accompts: This his Majeſties Gift once being ſhown upon Accompt in his Majeſties ſaid Exchequer, and regiſtrat in the Rolls thereof as effeirs. *Given at the Court at* White-hall, *the* 26 *day of* January 1682, *and of his Majeſties Reign the* 32 *year.*

GIFT of being Searcher, Tryer, Compter and Regiſter-keeper of all Wares and Merchandiſe imported into the Kingdom, or any part or parts thereof, that by Act of Parliament, are lyable in payment of Bullion.

OUR SOVERAIGN LORD underſtanding, that the Office of Clerkſhip of the Bullion of his Majeſties Ancient Kingdom of *Scotland*, is now vacant in his Majeſties hands, and at his Highneſs Gift and Diſpoſition, by the Dimiſſion thereof made by *P. G.* of *G.* Writter in *Edinburgh*, late Clerk thereto, bearing date the ſeventh day of *September* laſt paſt; And his Majeſty being well informed of the Ability and Qualifications of *Mr. J. G.* lawful *Son* to the deceaſed *D. G.* of *G.* for exercing the ſaid Office, and of his own and his Predeceſſors Loyalty and Dutifulneſs to his Majeſty, and his *Royal Progenitors*. *Therefore* our ſaid Soveraign Lord, with the ſpecial Advice and Conſent of the *Lords* Commiſſioners of his Majeſties Theſaury and Exchequer of the ſaid Kingdom of *Scotland*; Ordains a *Letter* of Gift to be paſt and exped under his Majeſties *Privy* Seal of the ſaid *Kingdom*, *Nominating*, Making, Conſtituting and Ordaining, as his Majeſty hereby with Advice and Conſent foreſaid, Nominats, makes, Conſtitutes and Ordains the ſaid (6) Figure Mr. *J. G.* Searcher, Tryer, Compter, and *Regiſter*-keeper of all Wares and *Merchandice* imported into the ſaid Kingdom, or any part or Port thereof, that by Act of Parliament are lyable in payment of *Bullion*; *Commanding* all Cuſtomers and Collectors to give up a juſt Copy and Extract yearly, of all Wares, Merchandiſes and Goods lyable in payment of Bullion to the ſaid Mr. *J. G.* of every Ship particularly, containing the *Names* of the Importers, together with the Names of the Skippers, and place whence the Ship came, and for the more exact Tryal thereof, to make all their ſubſcribed Books

of Entry and others patent to the ſaid M. *J. G.* whenſoever he ſhall require the ſame; *Commanding* alſo hereby all the Judges, Magiſtrats, Officers, Cuſtomers, Collectors, Skippers, Merchants, Traffiquers, and others his Majeſties Liedges *reſpective*, to Anſwer, obey and concur with the ſaid Mr. *J. G.* in all things that concern the Advantage and furthering of the ſaid Service; *Commanding* likeways the Lords of his Majeſties Privy Councel, Exchequer and Seſſion, to grant Letters at the inſtance of the ſaid *Mr. J. G.* for anſwering and obeying him in all things concerning the Premiſſes, upon a ſimple Charge of ſix days, and for uſing and exercing of the ſaid Office giving alſo and granting, as his *Majeſty* hereby gives and grants to the ſaid *Mr. J. G.* the Fee and Duty of five hundred merks Money of the ſaid Kingdom to be payed yearly to him the ſaid Mr. *J. G.* at two Terms every year, *Whitſunday* and *Martinmas*, in winter by equal Portions, furth of the firſt and readieſt of the Rents, Profits and Duties of his Majeſties Coyn-houſe, with all the Benefits, Fees, Duties, Caſualities, Priviledges and Immunities whatſoever belonging to the ſaid Office; *Commanding* the *Maſter* of His Majeſties Mint, preſent and to come, to make payment to the ſaid Mr. *J. G.* of the foreſaid Fee and Duty at the Terms above-mentioned, furth of the Rents, *Profits* and *Duties* of the theſaid Coyn-houſe, to be allowed yearly to him in his Accompts. *Given at the Court at* White-hall *the* 12 *day of* November 1687, *and of his Majeſties Reign the* 3*d year.*

GIFT of being Graver and Sinker of His Majeſties Mint.

OUR SOVERAIGN LORD Conſidering how neceſſary it is for the good of his Service, to have a well qualified skilful Graver in his *Mint* of his Ancient Kingdom of *Scotland*, as tending much to the goodneſs and neatneſs of the *Impreſſion* of his Majeſties *Moneys* coyned there, and being informed of the *Skilfulneſs* and Qualifications of *T. W.* for exercing that Office; *Therefore* His *Majeſty*, with Advice and Conſent of the Lords Commiſſioners of his Theſaury, Comptrollery, and Theſaury of New Augmentations, and alſo with Advice and Conſent of the Lords and others Commiſſioners of his Majeſties Exchequer of the ſaid Kingdom; *Ordains* a Letter to be made, and paſt under his *Majeſties* Privy *Seal* of the ſaid Kingdom, in due Form, Nominating, making and conſtituting the ſaid *T. W.* Graver and Sinker of his Majeſties ſaid Mint in his ſaid Kingdom, giving, granting and diſponing; Likeas, his Majeſty by theſe preſents, gives, grants and diſpones to the ſaid *T. W.* all Priviledges and Immunities, and others whatſoever belonging to the ſaid Office. *With Power* unto him to exerce the ſame als fully and freely in all reſpects, as any Graver of the ſaid Mint hath done any time heretofore; And for exercing the ſaid Office, His *Majeſty* hereby gives, grants, and diſpones unto him the Sum of fifty pound *ſterling* money of yearly Sallary, to be payed unto him out of His Majeſties Profits of his ſaid Mint, beginning the firſt Terms payment thereof at *Martinmas* next in this preſent year 1674, and from thence-furth yearly and termly thereafter, during the whole time of his continuance in the ſaid Office, hereby requiring the Maſter of the ſaid *Mint* to make thankful payment unto him of the foreſaid *Sallary*, as ſaid is, and which his Majeſty hereby Declares ſhall thankfully be allowed unto him in his Accompts, yearly by the Auditors thereof; Hereby alſo requiring the General of His *Majeſties* ſaid *Mint*, to admit and receive the ſaid *T. W.* in the ſaid Office, and to take his Oath of faithful Adminiſtration thereof: And Ordains theſe preſents to be further extended in the beſt Form, with all Clauſes needfull.

full. *Given at His Majeſties Honour of* Hamptoun-Court *the* 7*enth day of* July 1674, *and of his Reign the* 26 *year.*

GIFT of being Clerk to His Majeſties Bullion.

OUR SOVERAIGN LORD underſtanding, that the deceaſt *G. F.* of *R.* was formerly Clerk to the Bullion, and did faithfully and dutifully exerce the ſame for the ſpace of 52 years, and that *A. F.* his Son, was not only bred and inſtructed by him in all things concerning the ſame, but with the ſame Fidelity and Care exerciſed the ſame under him till his death; And His *Majeſty* being willing to give all due Encouragement to his faithful and well deſerving Servants, and epecially in the continuance of theſe Offices, that has been ſo faithfully exerced by their Predeceſſors: *Therefore* our ſaid *Sove*raign Lord, with the ſpecial Advice and Conſent of the Lords Commiſſioners of his *Majeſties* Theſaury and Exchequer; *Ordains* a Letter of Gift to be paſt and exped under his *Majeſties* Privy Seal of *Scotland*, in due and competent Form, to have made Conſtitute and Ordained, and by thir preſents makes, Conſtitutes and Ordains the ſaid *A. F. to conclude this as the former Gift of Searcher, Figure* (6) page 109. *Given at the Court at* White-hall *the* 14 *day of* February 1683, *and of his Majeſties Reign the* 34 *year.*

GIFT of being Clerk to the Coquet, and Searcher at the Ports of Atcheſons Haven *and* Preſtoun-pans, *and Precincts thereof.*

OUR SOVERAIGN LORD, with Advice and Conſent of his *Majeſties* right Truſty, and right well beloved Couſin and Counſellor *J. E.* of *P. &c.* Lord high Chancellor of the Kingdom of *Scotland*. His *Majeſties* right Truſty and intirely beloved Couſin and Counſellor *W. D.* of *Q.* Preſident of his Majeſties Privy Council thereof. His *Majeſties* right Truſty and right well beloved Couſin and Counſellor *J. M.* of *A.* Lord Privy Seal, his *Majeſties* right Truſty and intirely beloved Couſin and Counſellor, *W. D.* of *H* his *Majeſties* right truſty and well beloved Couſin and Counſellor *G. V* of *T.* Lord Regiſter, & of his Majeſties right Truſty and well beloved Counſellor, *W. D.* of *C.* Lieutenant-General of all his *Majeſties* Forces in the ſaid *K*ingdom, his Majeſties Commiſſioners for his Highneſs Theſaury, Comptrollery and Theſaury of new Augmentations in the ſame Kingdom, and alſo with Advice and Conſent of the *L*ords and others Commiſſioners of Exchequer thereof; *Ordains* a Letter of Gift to be paſt and exped under his *Majeſties* Privy Seal of the ſaid Kingdom, in due and competent Form; *Nominating and Appointing*, likeas, His *Majeſty* by theſe preſents, with Advice and Conſent foreſaid, Nominats and Appoints his *Majeſties* Lovit *J. O.* of *F. M*erchant in —— during all the days of his Lifetime, and his Deputs, *S*ervants, and Subſtitutes under him (for whom he is to be anſwerable) to be Clerk of Coquet and Searcher at the Ports of *Acheſons-haven* and *Preſtoun-pans*, and hail Precincts of the ſame, as they have been exerced by the former Clerks of the Coquets for the ſaid Ports, Giving and Committing to the ſaid *J. O.* and his foreſaids full Power and Commiſſion to uſe and exerce the ſaid Office of *C*lerk-ſhip of *C*oquet, and Searchery within the foreſaid Bounds, by himſelf, his Deputs, *S*ervants and Subſtitutes under him (for whom he is to be anſwerable) in all and ſundry things whatſoever pertaining and belonging to the ſaid *O*ffice; *With full Power* alſo to him and his foreſaids, to ſee the Setting and *C*uſtoming of all Wool, Hyds, *S*kins, Tallow, *C*loath, Herrings, Fiſhes, and all other Goods and *M*erchandiſe *Cu*-

ſtomable within the whole Bounds, Liberties and Freedoms above-mentioned, als well pertaining unto his *Majeſty*, Liedges, as *Strangers*, unacuſtomed Goods to Eſcheat and In-bring to his Majeſties uſe, Arreſtments upon all Ships, Barks, Boats, *Crears*, Goods and Merchandiſe coming to the Ports and Herbours, or Liberties, or Freedoms within the foreſaid Bounds, als well pertaining to his *Majeſties* Liedges as Strangers, to make and lay on, ay and while they have made payment of their *Cuſtoms* and other Duties juſtly addebted for their ſaid Goods and Merchandiſe, and that as oft as occaſion ſhall required; and to take the Sails from the Raes of the ſaid Ships, Barks, and other Veſſels, Intromet with, Keep and Detain the ſame in their own Hands, ay and while the Merchants and Owners thereof have done that which becomes them in Law and Equity, conform to the cuſtom of the Kingdom; And if the ſaids Arreſtments, or any of them be broken by the Owners of the ſaid *Ships*, Merchandiſe, or Goods, or by any other perſons, to Eſcheat and Uplift their whole Moveable-goods for the ſame, the one Half thereof to be furth-coming to His Majeſties uſe, and the other Half to their own Uſes, for their Pains and Travel to apply; and generally all and ſundry other things, to do, uſe and exerce, which to the foreſaid two Offices of Coquet-Clerkſhip and Searchery appertains, or that any ways righteouſly may be known to appertain and belong, ſicklike and als freely as any other Clerk or Searcher has uſed in the ſaid Offices at any time by-gone preceeding the Date hereof; for uſing and exercing the which Offices, His Majeſty with Advice and Conſent foreſaid, has given, granted and aſſigned; likeas, his Majeſty by theſe *Preſents*, Gives, Grants and Diſpones to the ſaid *J. O.* during all the days of his Lifetime, all Fees, Duties and Caſualities uſed and wont before, ſicklike and as freely as any other Clerks of Coquets or Seachers within the ſaid Bounds, or in any other Precinct within the ſaid Kingdom had, has, or ſhall happen to obtain or get for uſing and exercing the ſaid Office in any time by-gone, preſent or to come, and that yearly, and ilk year during the ſpace foreſaid; *Commanding* hereby all Magiſtrats of Burghs, and Cuſtomers within the foreſaids Bounds, as well preſent as to come, and all others His Majeſties Leidges within the whole Bounds, Liberties and Precincts foreſaid, and all *Strangers* whatſoever, that they and ilk one of them readily anſwer and obey the ſaid *J. O.* his Deputs, Servants and Subſtitutes under him, in uſing and exercing the ſaid Office, in all and ſundry things concerning the ſame, and make Payment to them of all Fees, Caſualities and Duties pertaining and belonging thereto, and to none others during the ſpace foreſaid, under all higheſt Pain and Charge that after may follow; And Ordains the ſaid Letter of Gift to be further extended in ample Form. *Given at the Court at* White-hall, *the 22d of* April 1686; *And of his Majeſties Reign the 2d Year.*

GIFT of the whole Place and Office of Clerk-ſhip, and Keeping of His Majeſties Coquet-Seal, within the Town and Port of Leith.

OUR SOVERAIGN LORD, with ſpecial Advice and Conſent of His Majeſties right truſty Couſin and Counſellor, *W. M.* of *&c.* Lord high Theſaurer of *Scotland*, and of his Majeſties Theſaurer-Depute, and of the Lords and others Commiſſioners of his Highneſs Exchequer of his ſaid antient Kingdom of *Scotland*; *Ordains* an Letter to be made and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent Form; *Giving*, Granting and Diſponing, likeas his *Majeſty* by the Tenor hereof, Gives, Grants and Diſpones, to and in favours of his Highnes Lovit, *R. D.* the whole Place and Office of Clerk-ſhip, and keeping of his Majeſties Coquet-Seal within the Town

Town and Port of *Leith*, with all Fees, Caſualities, Duties and Priviledges whatſoever pertaining and belonging thereunto; Which Office is now vacant in his Majeſties hands, and at his Highneſs Gift and Diſpoſition, by the deceaſe of *I. P.* late Clerk of the ſaid Coquet: *With full Power* to the ſaid *R. D.* to uſe and exerce the Office of Clerk-ſhip, and keeping of his Majeſties Coquet-Seal within the foreſaid Bounds, during his Lifetime in the ſame manner, als fully & freely in all reſpects and conditions, as the ſaid deceaſt J. P. or any other Clerk of the ſaid Coquet preceeding him has, or might have uſed the ſame at any time bygone, or as any other perſon at any time hereafter may uſe the like Office within his Majeſties ſaid Kingdom, and to make and give Coquets upon whatſoever lawful Goods, Gear or Merchandiſe, which ſhall be exported forth of the ſaid Realm, in any Ship or Veſſels within the Bounds above-ſpecified, after the Form and Tenor hereof, and to do all other things requiſite and neceſſar anent the Premiſſes. And his Majeſtie Ordains the ſaid Letter to be furder extended in the beſt and moſt ample Form, with all Clauſes needful. *Given at the Court at* White-hall *the* 2d *day of* November 1682, *and of his Majeſties Reign the* 3d. *year.*

RATIFICATION in Favours of the General, Maſter, Coyner, Warden, Counter-warden, Eſſay-maſter, Sinker, Clerk, Smith, Printers, Forgers, Melters, and other Workmen of the Mint, of all their Rights, Priviledges and Immunities, containing alſo a *de Novo Damus*, and many more Clauſes, and in effect is a clear, exact and perpetual Standard.

OUR SOVERAIGN LORD, *With the ſpecial Advice and Conſent of (here inſert the Conſents, and then ſay) Ordains a Letter to be made, and paſt under his Majeſties Privy Seal, making mention; That foraſmuch as his Majeſty underſtanding the Priviledges, Immunities, Freedoms, and Gifts of Exemption granted to the General, Maſter, Coyner, Warden, Counter-warden, Eſſay-maſter, Sinker, Clerk, Smith, Printers, Forgers, Melters, and other hail Workmen of his Majeſties Coyn-houſe of his ſaid Kingdom by his Majeſties Royal Progenitors for ſome hundred years; and that his Majeſty being willing to continue and renew the ſame for their further Encouragement in his Majeſties Service:* Therefore *to have Ratified and Approved, likeas his Majeſty by theſe preſents (with Advice and Conſent aforeſaid) Ratifies and Approves all and whatſoever Gifts of Exemption, Priviledges, Freedoms, and Immunities granted to the ſaids Officers, and hail Members of the ſaid Coyn-houſe, by any of his Majeſties Royal Progenitors Kings of* Scotland *at any time bygone, and eſpecially without prejudice of the generallity foreſaid, to have Ratified and Approven, and by the Tenor hereof, his* Majeſty *Ratifies and Approves the Gift of Exemption granted by the Deceaſt* DAVID *King of* Scots, *of worthy memory, to* Adam Torrie *Burgeſs in* Edinburgh, *Keeper of his Majeſties Office of Coynzie of his ſaid Kingdom, and to the Mint-maſter, and the reſt of the Workmen and Servants deput in the ſaid Office, making them free, and quite of all Challenges, Supports, Duties and Contributions whatſoever to be ſet and put upon their Lands, Tenements, Goods, Cattel, or* Merchandiſe *whatſoever; And Ordaining all the Servants of the ſaid Mint to ſtand at the Deciſion of the ſaid Mint in all Pleas and Complaints which concerns them, dated the fifth day of* February, *in the twenty eight year of his Reign: And alſo another Gift granted by the deceaſt King* JAMES *the fifth, of bleſſed memory, under his Signet, and ſubſcribed with his hand, giving Licence to the hail Officers and Members of his Coyn-houſe, to remain and abide at home, from all Hoſts, Raids, Wars, Weapon-ſhowings, Gatherings and Aſſemblies to be made by his Majeſty by Sea or Land, and making them, and ilk an*

of them free, of all Watching, Warding, and Stenting to be put on them at any time thereafter, as the ſaid Letters of Gift, dated the thirteenth day of October, in the thirtieth year of his Reign fully proports; And ſicklike the Gift of Exemption granted by his Majeſties deareſt Grandfather King JAMES the ſixth, giving the haill Officers of the Coyn-houſe Licence and Freeing them as ſaid is, and alſo giving power to the General of the ſaid Coyn-houſe to repledge the remanent Officers and Members of the ſaid Coyn-houſe, from all other Judges, Courts and Juriſdictions, to his own Courts of Wardenrie of the ſaid Coyn-houſe, which his ſaid Majeſty thereby gave power to hold and continue, as the ſaid Gift bearing date the twentieth two day of April, one thouſand five hundred eighty and four, more at length bears; And alſo another Gift granted by the ſaid King JAMES, of bleſſed memory, with Advice of his Lords of Privy Council under the Privy Seal, giving Licence to the General of his Majeſties Coyn-houſe, Maſter, Coyner, Warden, Sinker, Eſſayer, Printers, Forgers, Melters, and others a waiting upon the Service thereof, Licence and Freedom as is above-mentioned, as the ſaid Letters of Gift, dated the twenty fifth day of June, one thouſand five hundred and ſeventy nine more at length proports; And likeways to have Ratified and Approven, likeas by the Tenor hereof, his Majeſty Ratifies and Approves the Letter of Gift granted by his ſaid deceaſt Grand-father King JAMES the ſixth, of ever bleſſed memory, making mention of the three laſt Gifts above-rehearſed; And therefore of new again giving ſpecial Licence and Priviledge to the General, Maſter, Coyner, Warden, Counter-Warden, Sinker, Eſſayer, Printers, Forgers, Melters in his Majeſties Kingdom, as well preſent as to come thereafter, to remain and abide at home from all ſundry Hoſts, Raids, Weapon-ſhowings Wars, Armies, Gatherings and Aſſemblies, whatever to have been made by his Majeſties Lieutenants, Wardens, Sheriffs, Stewarts, Crowners, Provoſt and Baillies of the Burgh of Edinburgh, and other Burghs within the Kingdom of Scotland, and all others his Highneſs Officers preſent and to come, either by Sea or Land, in-with or out-with the Realm at any time thereafter; And ſicklike has exeemed them, and ilk ane of them from all Watching, Warding, payment of Stents, Taxations, Impoſitions, Contributions, and others whatſoever impoſed, or that ſhould happen to be impoſed on his Majeſties Leidges at any time thereafter, and from all Compearance and paſſing upon Inqueſts, Aſſyſes, Juſtice-Courts, Juſticiaries, Sheriff-Courts, and Baillie-Courts, Appryſings or Perambulations of Lands, or Annualrents, taking of Cognitions, or any other Action Criminal or Civil whatever; Exeeming, Exonering and Diſcharging them, and ilk one of them therefrae forever: And His Majeſty willed and granted, that they nor none of them ſhall no ways be called or accuſed criminally or civilly for the ſame, nor ſhall incur no Skaith, Perril nor Danger therefore in their Perſons, Lands nor Offices, in time thereafter, notwithſtanding of whatſoever Acts of Parliament, Laws or Conſtitutions, made or to have been made in the contrair; and whilk his Majeſties ſaid deceaſed deareſt Grand-father has diſpenſed with: Diſcharging therefore the Juſtice-general, Juſtice-Clerk and their Deputs, Treaſurer, Advocats, Provoſt and Baillies of Edinburgh, and other Burghs within the ſaid Realm of Scotland, and all other Officers and Miniſters of his Majeſties Laws preſent and thereafter to come, of all Summoning, Indicting, Attaching, Arreſting or Accuſing, Calling, Following, Purſuing, or Unlawing, in any ways troubling or moleſting the ſaid Perſons, or any of them, or other Members of the ſaid Coyn-houſe; and of all Stenting, Taxing or Unlawing them, or any of them for the ſame, in any time thereafter, Diſcharging them thereof, and of their Offices in that part for ever. And alſo His Majeſties deareſt Grand-father, hath given and granted full Power to the ſaid General, to Re-pledge the haill Officers and remanent Perſons therein named of the ſaid Coyn-houſe awaiting thereon, from all Juſtice-Courts and Juriſdictions, to his own Courts of Wardency of the ſaid Coyn-houſe, to whom his ſaid Majeſty thereby gave full Power to hold and continue,

and

and to creat Clerks and Officers, alter and change the ſame as need beis, and to find Caution of Culrach for doing of Juſtice to all Parties complaining upon, and Law againſt any of the Officers and Members of the ſaid Coyn-houſe, conform to the Laws and Conſuetude in ſuch caſes, and like-as any other General thereof has had, or might have uſed in any time then by-gone; Inhibiting and Diſcharging all other Judges to exerce and uſe any Judgment or Juriſdiction upon them, or any of them, as they would anſwer on their Obedience and uttermoſt Charge and Perril; which Letter of Gift is of Date the fifteenth day of November, One thouſand ſix hundred and four years: And in like manner the Ratification granted by His Majeſties ſaid deareſt Grand-father and Eſtates of Parliament, Ratifying and Approving all and whatſoever Letters of Gifts of Exemption, Liberties, Priviledges and Immunities made and granted by himſelf and his moſt noble Progegenitors, to and in favours of the General and other Officers and Servants of his Majeſties Coyn-houſe of Scotland, and ſpecially the laſt Letter of Exemption granted by Himſelf, making relation of the other three Letters of Exemption above-rehearſed, dated the twentieth third day of October One thouſand ſix hundred and twelve, in all and ſundry, Heads, Articles, Points and Circumſtances of the ſame. And Our ſaid Soveraign Lord (with Advice and Conſent foreſaid,) hereby Ratifies, Confirms and Approves the Letter of Exemption granted by his deareſt Royal Brother King Charles the ſecond (of ever bleſſed Memory,) to the then General, Maſter, and remanent Officers of the ſaid Mint or Coyn-houſe, dated at the Court at White-hall the twenty third day of September one thouſand ſix hundred and ſixty eight, in the twentieth year of his Reign: In theſe words, And further, of new to have Granted and Diſponed, likeas by the Tenor hereof, His Majeſty Grants and Diſpones to the General, Maſter, Coyner, Warden, Counter-Warden, Sinker, Eſſayer, Printers, Forgers, Melters, and remanent Workmen, and Members of the ſaid Coyn-houſe for the time being, and their Succeſſors, to be free and quit of all Challenges, Supports, Duties and Contributions whatſoever to be put on them, their Lands, Tenements, Goods, Cattel, or Merchandiſe whatſoever, according to the Tenor of the above-written Gift of Exemption granted by David King of Scots; And further to have given and granted, likeas be Tenor hereof, his Majeſty Grants and Diſpones ſpecial Licenſe, Priviledge and Liberty to the ſaid General, and other Officers of his ſaid Coyn-houſe, particularly above-expreſt, as well preſent as to come, to remain at Home from all and ſundry Hoſts, Raids, Wars, Weapon-ſhowings, Armies, Gatherings and Aſſemblies whatſoever, to be made by His Majeſties Lieutenants, Wardens, Sheriffs, Stewarts, Crowners, Provoſt and Baillies of the Burgh of Edinburgh, and other Burghs within his ſaid Kingdom of Scotland, and by all others his Officers preſent and to come, either by Sea or Land, in-with or out-with his ſaid Kingdom in any time-coming; and ſicklike to have Exeemed, likeas by the Tenor hereof, His Majeſty Exeems them, and ilk ane of them frae all Watching, Warding, Payment of Stents, Taxations, Contributions, and other Impoſitions whatſoever impoſed by way of Valuation or Retour, or any other manner of way upon them, their Lands and Heretages, Goods or Gear, and whether already Impoſed, or that ſhall happen hereafter to be Impoſed upon his Majeſties Subjects of his ſaid Kingdom of Scotland, in time coming, for whatſoever cauſe or occaſion; and further, to have Execmed them, and ilk ane of them, from Compearing and Paſſing upon Inqueſts, Aſſiſes, Juſtice-Courts, Juſtice-airs, Sheriff-Courts, and Baillie-Courts, Apprysings and Perambulations of Lands and Annualrents, taking of Cognitions or any other Actions, Criminal and Civil whatſoever, Exeeming and Exonering them and ilk ane of them there-from for ever; and to have Willed and Granted, likeas by the Tenor hereof, his Majeſty Wills and Grants that they nor none of them ſhall no ways be called nor accuſed criminally or civilly for the ſame, nor ſhall incur no Skaith, Perril nor Damage therefore, in their Perſons, Goods nor Offices in any time thereafter notwithſtanding of whatſoever Acts of Parliament,

Laws or other Conſtitutions made or to have been made in the contrair, anent the which, his Majeſty *by theſe preſents diſpences for ever, diſcharging therefore the Juſtice-General, Juſtice-Clerk and their Deputs, Theſaurer and Commiſſioners of the Theſaury, Advocats, Provoſt and Baillies of the Burgh of* Edinburgh, *and other Burghs within the ſaid Kingdom, and all other Officers and Miniſters of the Laws, preſent and to come, of all Summoning, Indyting, Attacking, Areſting, Accuſing, Calling, Following or Purſuing, Unlawing, or in any ways Troubling or moleſting the ſaid General of his Coyn-houſe, Maſter-coyner, and remanent Officers, Work men, and other Servants of the ſaid Coyn-houſe; and of all Stenting, Taxing or Unlawing them, or any of them for the ſame in any time thereafter, diſcharging them therefore, and of their Offices in that part forever; As alſo to have given and granted, likeas by the Tenor hereof, His Majeſtie Gives and Grants full power to the ſaid General, to Repledge the hail Officers, Work-men, and Members of the ſaid Coyn-houſe above-expreſſed, from all other Juſtice-courts and Juriſdictions to his own Court of VVardenrie of his Majeſties ſaid Coyn-houſe, which his Majeſty by theſe preſents gives full Power to the ſaid General, to hold and continue, and to create Clerks and Officers, alter and change the ſame as need beis, and to find Caution of Culrach for doing of Juſtice to all Parties juſtly complaining upon Law againſt any of the Officers and Members of the ſaid Coyn-houſe, conform to the Laws and conſuetude in ſuch Caſes; And likeas any other General thereof has had, or might have uſed in any time bygone, Inhibiting and Diſcharging hereby all his Majeſties Judges, to exerce or uſe any Judgement or Juriſdiction on them, or any of them, as they will anſwer to his Majeſty on their Obedience and outmoſt Charge and Perril. And our ſaid Soveraign Lord further conſidering, that it is of great Importance for his Service, and the Good and VVell of the ſaid Ancient Kingdom of* Scotland, *that the General and other Officers and Servants belonging to his ſaid* Mint *and Coyn houſe, be in all time-coming free and exempted, as is at length above-mentioned;* Therefore *out of his ſpecial Favour, certain Knowledge, and proper motive, to have Ratified, Approved and confirmed; Likeas, his Majeſty by theſe preſents, (with Advice and conſent foreſaid) Ratifies, Approves and confirms all the above-named Priviledges and Exemptions, with, and under the particular Reſtrictions, Reſervations, and Alterations above-mentioned, and by this his Royal Highneſs Grant, and Letter of Exemption, to have of new given, granted and diſponed, Likeas, his* Majeſty *by the Tenor hereof, of new Gives, Grants and Diſpones unto* R. L. M. *General,* S. U. S. *of* —— *Maſter-coyner,* A. M. *Principal Warden,* —— M *Counter-Warden,* M. H. A. *Eſſay maſter,* J. C. *Sinker,* —— *Clerk of the Bullion,* D. P. *Clerk and Book-keeper* —— M. *Maſter-Smith, and all the* Printers, Melters, Forgers, *and remanent VVork-men and Servants of his Majeſties ſaid* Mint, *and Coyn-houſe for the time-being, and their Deputs and Succeſſors in their Offices* reſpectively, *to be free and quite of all challenges, Supports, Duties and Contributions whatſoever to be put on their Lands, Tenements, Goods or Cattel (always excepting merchandiſe to be imported by them, or any of them, according to the Tenor of the above-written Gifts of Exemption, granted by the Kings of* Scotland, *his Majeſties Royal Progenitors) And further, to have given and granted, likeas by theſe preſents, his Majeſtie gives and grants ſpecial Licence, Priviledges and Liberties to the ſaid General, and other Officers, Members, VVorkmen and Servants of his ſaid* Mint *and Coyn-houſe particularly above-expreſt, as well preſent as to come, to remain at home from all Hoſts, Raids, VVars, VVeapon-ſhowings, Armies, Gatherings and Aſſemblies that ſhall be hereafter by command and VVarrand of his Majeſty, or the Lords of his Privy Council, his Majeſties Lieutennants, Wardens, Stewarts, Crowners, Provoſt and Baillies of the Burgh of* Edinburgh, *and other Burghs within the ſaid Kingdom of* Scotland; *and by all other his Majeſties Officers preſent and to come, either by Sea or*

Land,

Land, inwith or outwith the ſaid Kingdom in any time-coming; And ſick-like, to have Exeemed: Likeas, his Majeſty hereby exeems them, and and ilk ane of them, their Lands, Tenements and Poſſeſſions from all Watching, Warding, payment of Stents, Taxations, Contributions, and other Impoſitions whatſoever impoſed by way of Valuation or Retoure, or any other manner of way upon them, their Lands, Heretages, Goods and Gear, whether already impoſed, or that ſhall happen hereafter to be impoſed on his Majeſties Subjects of his ſaid Kingdom of Scotland *in time-coming for whatſoever Cauſe or Occaſion: And farder to have exeemed, likeas his Majeſty hereby exeems them, and ilk ane of them from compearing and paſſing upon Inqueſts, Aſſizes, Juſtice-Courts, Juſticiaries, Sheriff-Courts and Baillie Courts, Appryſings, and Perambulations of Lands, and Annualrents, taking of Cognitions, and any other Actions Criminal and Civil whatſoever, exeeming and exeems them, and ilk ane of them therefrom forever: And to have willed and granted, likeas by theſe preſents, his Majeſty wills and grants, that they nor none of them ſhall any ways be called or purſued Criminally nor Civilly for the ſame, nor ſhall incur any Skaith, Perril or Danger therefore in their Perſons, Goods or Offices in any time hereafter, notwithſtanding of whatſoever Acts of* Parliament, *Laws, or other Conſtitutions made, or to be made in the contrary, anent the which his Majeſty hereby diſpenſes for ever; Diſcharging therefore his Majeſties Juſtice-General, Juſtice-Clerk, & the Commiſſioners of Juſticiary, Lords Commiſſioners of his Majeſties Theſaury, & Theſaurer for the time-being, his Majeſties Advocat, Provoſt & Baillies of the Burgh of* Edinburgh, *and other Burghs within his ſaid Kingdom, & all Officers & Miniſters of his Majeſties Laws, preſent and to come, of all Summoning, Indyting, attaching, Arreſting, accuſing, Calling, Following or Purſuing, Unlawing, or any ways troubling or moleſting the ſaid General of his Majeſties Mint and Coyn-houſe, Maſter-coyner, and remanent Officers and other Members thereof, and of all Stenting, Taxing, or Unlawing them or any of them for the ſame in any time hereafter, diſcharging them therefore, and of their Offices in that part for ever; As alſo to have Given and Granted, likeas his Majeſty hereby Gives and Grants full power to the ſaid General, and his Succeſſors in Office, to repledge the hail Officers, Workmen, and Members of the ſaid Mint and Coyn-houſe above-expreſſed, from all other Juſtice-Courts to his own Court of Wardenry of his Majeſties ſaid Coyn-houſe, which his Majeſty by theſe preſents, gives full power to the ſaid General and his foreſaids, to hold and continue, and to appoint, make and conſtitute any Officers or Servants thereunto belonging, and to alter and change the ſame at his pleaſure; Excepting always, likeas his Majeſty by theſe preſents expreſly does except all the above-named Officers of his Majeſties Mint, who have their Commiſſions under his Royal hand, and particularly the Clerk or Book-keeper of the ſaid Mint, who has their Commiſſion from his Majeſty, and whom his Majeſty reſerves for himſelf and his Royal Succeſſors to name in all time-coming, it being always expreſly provided, that the ſaid General and his foreſaids ſhall find Caution of Culrach for doing of Juſtice to all Parties complaining upon Law againſt any of the Officers and Members of the ſaid Mint and Coyn-houſe, conform to the Laws and Conſuetude in ſuch Caſes, and likeas any General thereof has or might have uſed in any time bygone, Inhibiting and Diſcharging hereby all other Judges, to exerce and uſe any Judgement or Juriſdiction on them, or any of them, as they will anſwer to his Majeſty on their Obedience and outmoſt Charge and Perril: And his Majeſty Ordains the ſaid Letter to be furder extended, in the moſt ample and beſt Form, with all Clauſes needful;* Promiſing in verbo Principis *to cauſe theſe preſents to be Ratified in the firſt Seſſion of his Majeſties next enſuing Parliament of his ſaid Kingdom; Requiring hereby the Eſtates of Parliament to Ratifie the ſame accordingly, for which this ſhall be to them a ſuffieient Warrand.* Given at the Court at *White-hall* the 12*th* day of *February* 1687. and of his Majeſties Reign the 3*d.* year.

PRESENTATION of the Sub-Deanry of the Chapel Royal of Striveling, in favours of Mr. J. H. Parſon of Reſtalrig, and Miniſter of Leith.

OUR SOVERAIGN LORD Ordains a Letter of Preſentation to be made and paſt under his Majeſties Privy Seal of his Highneſs Ancient Kingdom of *Scotland*, in due and competent Form, direct to the right Reverend Father in GOD, *J. B.* of *D.* Dean of of His Majeſties Chappel-Royal of *Striveling*, *make and mention*, that forſuameikle as his Majeſty being credible informed of the Literature, Qualification, Piety, Loyalty, peaceable Diſpoſition, and good Life and Converſation of *M. J. H.* Parſon of *Reſtalrig*, and Miniſter at *Leith*, and how he has not only for many years with great Zeal and Affection, laboured in the Office and Function of the Miniſtry within the Kirk of GOD, but alſo of his Ardent Deſires to continue in the ſaid Function, and Propagation of the Goſpel: *Therefore* Nominating and Preſenting, likeas, his Majeſty by thir preſents, Nominats and Preſents the ſaid *Mr. J. H.* to the Sub-deanry and Sacriſtary of the ſaid Chappel-Royal of *Striveling*, and Prebandry thereof, founded upon the Parſonage and Viccarage of the Kirks of *Kirkinner* and *Kirkovan*, and others belonging thereto, together with all and ſundry Lands, Superiorities, Feu-duties, Annualrents, Ground-annuals, Houſes, Biggings, Yards, Orchards, Parks, Meadows, Graſings, Woods Fiſhings, Dignities, Juriſdictions, Tiends great and ſmall, as well Perſonage as Viccarage, Feu-mails, Fruits, Rents, Provents, Emoluments, Caſualities, Profits and Duties whatſoever, Parts, Pendicles, and univerſal pertinents of the ſame pertaining, or that is or ſhall be found known, or made appear any ways to appertain and belong thereto, either from the Foundation thereof, or ſince annexed thereto, and incorporat therewith by his Majeſty, or any of his Highneſs moſt Royal Progenitors, or any other perſon or perſons, and which were poſſeſſed and enjoyed by the deceaſt M. *A. T.* late Miniſter of *Edinburgh*, and Sub-dean and Sacriſt of the ſaid Chappel-Royal and Prebandrie thereof, or by any of his Predeceſſors in the ſaid Dignity, or that might have been poſſeſſed and enjoyed by them, by vertue of the ſaids Foundations and Rights at any time heretofore, *Now* vacant in his Majeſties hands, and at his Highneſs Gift and Diſpoſition, by the deceaſe of the ſaid *M. A. T.* laſt Incumbent in the ſaid Dignity, or by whatſoever other manner of way the ſame has vaiked, or may vaik in his Highneſs hands; Requiring thereby the ſaid right Reverend Father in GOD, *J. B.* of *D.* now Dean of the ſaid Chappel-Royal, to Try and Examine the Literature, Qualification, good Life and Converſation of the ſaid *M. J. H.* and being found able and qualified to uſe and exerce the ſaid Office of Sub-deanry and Sacriſtarie of the ſaid Chappel Royal of *Striveling*, to admit and receive him thereto, and to the Parſonage and Viccarage thereof, and Prebendry of the ſame foreſaid, founded as ſaid is, with all and ſundry Lands, Superiorities, Feu-duties, Annualrents, Ground-Annuals, Houſes, Biggings, Yards, Orchards, Parks, Meadows, Graſſing, Woods, Fiſhings, Dignities, Juriſdictions, Teinds great and ſmall, as well Parſonage as Viccarage, Feu-mails, Fruits, Rents, Provents, Emoluments, Caſualities, Profits and Duties whatſoever, Parts, Pendicles, and univerſal Pertinents of the ſame pertaining, or that is or ſhall be found, known, or made appear any ways to appertain and belong thereto, either from the Foundation thereof, or ſince annexed thereto, and incorporat therewith as ſaid is, and which were poſſeſſed and enjoyed by the ſaid laſt Incumbent, or any of his Predeceſſors in the ſaid Dignity, or that might have been poſſeſſed and enjoyed by them, or either of them, by vertue of the ſaids Foundation and Rights at any time heretofore, and that of the

the Cropt and year of God, One thouſand ſix hundred and eighty one years, and hail Terms thereof, and yearly and termly thereafter in all time coming, during the ſaid *M. J. H.* his lifetime and Service in the ſaid Dignity; And to take his Oath for acknowledging his Majeſties Authority, and giving due Obedience to the ſaid Right Reverend Father his Ordinary, and thereupon to Authorize the ſaid *M. J. H.* with his Teſtimonial of Admiſſion and Collation, and cauſe all other Solemnities in the like caſes uſed and accuſtomed to be done and performed in ſuch due and competent form as accords: *Commanding* alſo thereby the Lords of his Majeſties Council and Seſſion, to grant and direct Letters of Horning upon a ſimple Charge of Ten days, and others neceſſar in Form as effeirs, at the inſtance of the ſaid M. *J. H.* againſt all and ſundry the Heretors, Liferenters, Wadſetters, Feuers, Tennents, Tackſmen, Poſſeſſors, Occupyers, and others Intrometters with, addebted, and in uſe of payment of the ſaid Teind-Sheaves, and other Teinds great and ſmall, Parſonage and Vicarage, Feu-duties, Feu mails, Annualrents, Ground-Annuals, Fruits, Rents, Provents, Emoluments, Caſualities, Profits and Duties whatſoever of the ſaid Sub-deanry and Sacriſtrary of the ſaid Chappel-Royal of *Striveling*, and Prebendry thereof pertaining, or that is or ſhall be known to appertain & belong thereto, & either contained in the Foundation, or were annexed thereto, and poſſeſſed and enjoyed, or might have been poſſeſſed and enjoyed by the ſaid *M. A. T.* or any of his Predeceſſors in the ſaid Dignity, at any time heretofore, charging them to readily Anſwer, Obey, and make payment to the ſaid *M. J. H.* of the ſame of the ſaid Cropt and year of God 1681, and hail Terms thereof, and yearly and termly in time-coming. during all the days of his Lifetime and Service in the ſaid Dignity: And that the ſaid Letter of Preſentation and Gift be extended in moſt ample Form, with all Clauſes needful. *Given at the Court at* Windſor-Caſtle, *the* 31 *day of* May 1681. *and of his Majeſties Reign the* 33*d year.*

Nota, *that the Deanrie is annexed to the Biſhoprick of* Dumblane.

GIFT of being Beddel and Keeper of His Majeſties Chappel Royal, in favours of J. K.

OUR SOVERAIGN LORD Underſtanding that the Office of Beddel and Keeper of His Majeſties Chappel Royal in the Kingdom of *Scotland*, is now vaicking in His Majeſties Hands, and at His Majeſties Gift and Diſpoſition, by and through the deceaſe of *Thomas* M*clellan* late Beddel and Keeper thereof: And his Majeſty being informed of the Fidelity, Loyalty and Affection of *J. K.* and of his Ability and Fitneſs to Exerce the ſaid Office; Therefore His Majeſty, of His Royal Prerogative and Kingly Power, Ordains an Letter of Gift to be paſt and expede under His Majeſties Privy Seal of the ſaid Kingdom, Making, Nominating, Conſtituting, Appointing and Ordaining, and by the Tenor hereof, makes, nominats, conſtitutes, appoints and ordains the ſaid *J. K.* during all the days of his Lifetime, ſole Beddel and Keeper of his Majeſties Chappel Royal of the ſaid Kingdom of *Scotland*, and hereby Gives, Grants and Diſpones to him during his Lifetime the Office thereof, with the ſole Liberty and Priviledge of keeping his Majeſties Chappel Royal, and the Sum of Twenty Pound *Sterling* money of yearly Sallary belonging thereto, to be payed to him during his Lifetime, yearly and termly, at two Terms in the year, *Martinmas* and *Whitſunday*, by equal Portions,

tions, forth of the firſt, readieſt and beſt of the Rents, Duties and Caſualities belonging to his Majeſties Chappel Royal, or as the ſaid deaceaſt *Thomas Mc-lelland* was in uſe and wont in uplifting thereof, beginning the firſt Terms payment thereof at the Term of *Martinmas* in the year one thouſand ſix hundred and eighty one, and the next Terms payment at *Whitſunday* one thouſand ſix hundred and eighty two years, and ſo furth yearly at the ſaids Terms during his Lifetime, together with all other Fees, Penſions, Caſualities, Priviledges, Immunities, Profits, Duties and Emoluments whatſomever, pertaining, or that any ways may be known to pertain and belong to the ſaid Office, to be peaceably bruiked and enjoyed by him during all the days of his Lifetime, and by his Deputs in his Name whom he ſhall Appoint from time to time, and alter at his pleaſure, and for whom he ſhall be anſwerable, ſicklike and als freely in all reſpects as the ſaid *T. M.* or any other his *Majeſties* Beddels Keepers of of his *Majeſties* ſaid *Chappel Royal* hath bruiked and enjoyed, or might have bruiked and enjoyed at any time heretofore, freely and quietly, but any Revocation, Impediment, or again *Calling* whatſoever; *Secluding* hereby from the ſame Office and haill Priviledges thereof all others whom the preſent or ſucceeding Deans of his *Majeſties* Chappel Royal has placed or ſhall place or conjoyn with him therein: *With full Power* to the ſaid *J. K.* during all the days of his Lifetime, by himſelf or his Deputs whom he ſhall appoint under him from time to time as he thinks fit, to bruik and enjoy the ſaid Office, and to ask, crave, intromet with and uplift the foreſaid Fee and Sallary of ——— and all other the Fees and Caſualities belonging to the ſaid Office of the ſaid Term of *Martinmas* one thouſand ſix hundred and eighty one years, and in time coming during his Lifetime, and thereupon to diſpone at his pleaſure, and if need beis to call, charge and purſue therefore as accords of the Law, compone, tranſact and agree thereanent, and to give Diſcharges thereupon, and to do all other things that thereto appertains; *Commanding* hereby the Lords of his Majeſties Privy Council, Seſſion, and Exchequer of the ſaid Kingdom, or ane, or other of them, to grant and direct Letters of Horning on an ſimple *Charge* of fifteen days, and all other Letters and Executorials needful at his inſtance, againſt all and ſundry the Heretors, Liferenters, Conjunctfiars, Fewars, Farmers, Tennents, Tackſmen, Occupyers and Poſſeſſors of the Lands and others belonging to his *Majeſties* ſaid *Chappel Royal*, and all others Intrometters with and Addebted and lyable in payment of the ſaid *Sallary* and Caſualities belonging to the ſaid Office, for cauſing the ſaid *J.* K. his Factors and Servants in his Name, to be readily anſwered, obeyed and payed of the ſamine, of the Term of *Martinmas* one thouſand ſix hundred and eighty one, and in all time coming during his Lifetime, furth of the firſt and readieſt of the Rents of the ſaid Chappel Royal, or as the ſaid deceaſt *T.* M. was in uſe to uplift the ſamen; and if it be found that there are any Reſts due preceeding *Whitſunday*, One thouſand ſix hundred and eighty one, His Majeſty hereby freely Aſſigns and Diſpones the ſamen to the ſaid *J.* K. with power to him to uplift, receive and diſcharge the ſamen. *And forasmeikle as*, by ſeveral Acts of Parliament and Council, and particularly by the two hundred and ſeventy five Act of the fifteen *Parliament* of his *Majeſties Grand*-father King *JAMES* the ſixth, of ever bleſſed memory, thoſe who are imployed in his Majeſties Service are exeemed from bearing any Burden, or Watching or Warding within Burgh with the reſt of the Neighbours: *Therefore* his Majeſty wills and Declares, that the ſaid *J. K.* ſhall enjoy the Benefite of the ſaid Act of Parliament, and other Acts of Parliament and Council whatſoever, conceived in favours of theſe who are imployed in his Majeſties Service, and that the ſaid Letter of Gift be farder extended, with all Clauſes needful. *Given at the Court at* White-hall *the 25th day of* February 1682, *and of his Majeſties Reign the 34th year.*

GIFT

GIFT in Favours of Mr. J. R. *Miniſter of* Edinburgh, *of being his Majeſties Eleemoſynar within the Kingdom of* Scotland.

OUR SOVERAIGN LORD Ordains a Letter to be made and paſt under the Privy Seal of his Ancient Kingdom of *Scotland*, making mention, that his Majeſty underſtanding, that the Place and Office of Eleemoſynar to his Majeſty in his ſaid Kingdom, is now vacant in his Majeſties hands, and at his Gift and Diſpoſition, by and through the late Deceaſe of *M. A. T.* one of the Miniſters of the City of *Edinburgh*; And that his Majeſty being well informed of the Qualifications and fitneſs of *M. J. R.* (one of the preſent Miniſters of the ſaid City) for exercing the ſaid Office, as alſo of his Loyalty and Affection to his Majeſties Service; Therefore to have Nominated, Conſtituted and Appointed, likeas his Majeſty by theſe preſents, with the Advice and Conſent of the right Honourable the Lords Commiſſioners of his Majeſties Theſaury, and of the remanent Lords and others of his Exchequer of the ſaid Kingdom, Nominats, Conſtitutes and Appoints the ſaid M. *J. R.* during all the days of his natural Life, his Majeſties Eleemoſynar in his ſaid Kingdom, giving, granting and diſponing unto him (during the ſpace foreſaid) the ſaid Place and Office of Eleemoſynar, with all his Fees, Duties and Profits, Immunities, Priviledges and Caſualities whatſoever thereunto belonging, to be poſſeſſed, Bruiked and enjoyed by him, as fully and freely in all Reſpects and Conditions, as the ſaid deceaſt M. A. T. or any of his Predeceſſors in the ſaid Office did enjoy, or might have enjoyed the ſame at any time heretofore; And for the enabling and Encouragement of the ſaid M. *J. R.* in the faithful Diſcharge of his Duty in the ſaid Office, His Majeſty (with Advice and Conſent foreſaid) gives and grants unto him the Sum of two thouſand merks *ſcots* Money, to be delivered unto him in a whole and intire payment, at or before the firſt day of *May* yearly, during the ſpace foreſaid; whereof the Sum of five hundred merks money foreſaid, is to be imployed and deſtributed amongſt the common Poor, according to the uſe and wont upon every twenty nineth day of *May*, (being the day of his Majeſties Nativity) and the remaining thouſand pounds money foreſaid, is to be for the uſe and behove of the ſaid M. *J.* R. for his Attendance, Pains and Service in the ſaid Office, beginning the firſt years payment of the ſaid two thouſand merks money foreſaid, at or before the firſt day of *May* next enſuing the date of theſe preſents, and that for the year 1681, and ſo furth to continue yearly during the ſpace foreſaid: And it is hereby Declared, that of the thouſand Pounds *ſcots* above-mentioned, there is only five hundred merks of Fee belonging to the ſaid Office as formerly, and the remaining thouſand merks money foreſaid, is by his Majeſty beſtowed as a Penſion and perſonal favour upon the ſaid M. *J.* R. during his Lifetime only, and not to be annexed to the ſaid Office. And his Majeſtie Ordains the ſaid Letter to be extended in the beſt Form, with all Clauſes needful. *Given at the Court at* Oxford *the* 24 *day of* March 1681, *and of his Majeſties Reign the* 33*d. year.*

PRESENTATION *to the Church of St.* Ninians, *in favours of* M. *J. F.*

OUR *SOVERAIGN LORD* Conſidering, that the Kirk of St. *Ninians* within the Dioceſs of *Edinburgh* is now vacant in his *Majeſties* Hands, and become at his Highneſs Gift and Preſentation, by and through the deceaſe of M. *W. F.* late *Miniſter* thereat; and his *Majeſty* being ſufficiently informed of the *Literature*, Qualification, and good Converſation of *M. J. F. Miniſter* at *Dipnet* in *Cathneſs*; Therefore his Majeſty Ordains a Letter of Preſentation to be paſt and expede under his *Majeſties Privy* Seal of the Kingdom of *Scotland* in due & competent Form, Nominating, Preſenting & Appointing, likeas his Majeſty hereby Nominats preſents and Appoints the ſaid M. *J. F.* to be *Miniſter* at the ſaid *Kirk* of *St. Ninians*, during all the days of his Lifetime, giving, granting, allowing and diſponing to him during the ſpace foreſaid, the conſtant local and modified *Stipend*, together with the *Manſe*, Gleib, and others whatſoever pertaining to the ſaid *Kirk*, and that for the enſuing Cropt and year of God 1685, and in all time coming during his lifetime and Service of the Cure at the ſaid Kirk, Requiring hereby the right Revered Father in God, *J.* by the mercy of God Biſhop of *Edinburgh*, within whoſe Dioceſs the ſaid Paroch Church lyes, to take Tryal of the Literature and good *Life* and *Converſation* of the ſaid *M. J. F.* And having found him Apt and Qualified for the Function of the Miniſtry at the ſaid Church of St. *Ninians*, to adminiſtrat to him the Teſt, appointed by the ſixth Act of his *Majeſties* current Parliament, to be taken by all perſons in publick Truſt, and other Oaths needful, and to admit and receive him thereto, give to him his Letters of Collation hereupon, and Teſtimonial of Admiſſion, in due and competent Form; With Command alſo to the Lords of his Majeſties Council and Seſſion, upon ſight of the ſaids Letters of Preſentation, and the ſaid Reverend Father in God his Letters of Collation, with the Inſtitution to follow thereupon, to grant and direct *Letters* of Horning on a ſimple Charge of Ten days only, and others Executorials neceſſary at the inſtance of the ſaid M. *J. F.* againſt all and ſundry the Heretors, Liferenters, Feuers, Farmers, Tennents, Tackſmen, Occupyers and Poſſeſſors of Lands, and others within the Paroch of St. *Ninians*, lyable and ſubject in payment of the foreſaid local and modified Stipend, and others whatſoever belonging thereto, for cauſing the ſaid M. *J. F.* his Servants, Factors, and others in his name be readily anſwered, obeyed and payed thereof, and that for the enſuing Cropt and year of God, One thouſand ſix hundred and eighty five years foreſaid, and yearly and termly in time coming, during all the days of his Lifetime, and Service of the ſaid Cure at the ſaid Kirk, in ſuch due and competent Form as effeirs. *Given at the Court at* White-hall *the* 31 *day of* October 1684, *and of his Majeſties Reign the* 36 *year.*

Nota, *Being an actual Miniſter formerly, in place of taking Tryal of his Literature, it ſhould have been only of his Life and Converſation.*

PRESENTATION *to the Church of Dalgety in favours of* M. *J. L. Student in Divinity.*

OUR SOVERAIGN LORD Underſtanding, that the Paroch Church and Parochin of *Dalgety*, within the Presbytrie of *Dumfermling*, and Dioceſs of *Dunkeld*, is now vacant in his Majeſties Hands, and at his ſaid Highneſs

Higneſs Gift and Preſentation, through the deceaſe of M. *J. C.* laſt Miniſter at the ſaid Church, and his *Majeſty* being informed of the Literature, Qualification, Life, and good Converſation of *M. J. L.* Student in Divinity, and of his deſire to exerce the Office of a *Miniſter* at the ſaid Kirk; Therefore his *Majeſty* Ordains a Letter to be paſt and expede under his Highneſs *Privy Seal* of the Kingdom of *Scotland*, Nominating and preſenting the ſaid M. *J. L.* to be Miniſter at the ſaid Kirk of *Dalgety*, during all the days of his Lifetime, and to the Parſonage and Viccarage, Tithes, Conſtant, Local and modified Stipend thereof, Manſe, Gleib and Pertinents of the ſame, and that of the half of this inſtant Cropt and year of God, One thouſand ſix hundred and eighty years, and in all time coming during his Lifetime, and ſerving the Cure of the Miniſtry at the ſaid Kirk, with all and ſundry Fruits, Rents, Emoluments, *Caſualities*, *Privledges*, Immunities, *Profits*, Duties and *Pertinents* belonging thereto, or that any ways may be known to pertain to the ſame, to be peaceably bruiked, enjoyed and poſſeſt by him, during all the days of his Lifetime, and ſerving the Cure of the Miniſtry at the ſaid *Kirk*, ſicklike and als freely in all reſpects as the ſaid M. *J. C.* or any others his Predeceſſors Miniſters thereof bruiked and enjoyed, or any ways poſſeſt the ſame of before freely, quietly, but any Impedement or again-calling whatſoever: *Commanding* the right reverend Father in God, *A.* by the mercy of of God, *Biſhop* of *Dunkeld*, within whoſe Dioceſs the foreſaid Church and *Parochin* lyes, to Try and Examine the Literature, Qualifications, Life and good Converſation of the ſaid M. *J. L.* and his ability to exerce the foreſaid Charge and Function of a *Miniſter* at the ſaid Church of *Dalgety*, and being found able and qualified, to admit and receive him thereto, and to the Parſonage, and Viccarage, Teiths thereof, *Manſe*, Glibe and Pertinents of the ſame, and that of the half of the ſaid Cropt and year of God, One thouſand ſix hundred and eighty years, and in all time-coming during his ſaid Lifetime, and ſerving the ſaid Cure of the *Miniſtry* at the ſaid Church, and thereupon to give him Collation, Inſtitution, and Letters Teſtimonial of Admiſſion thereto, in ſuch due and competent Form as effeirs, and to receive his Oath for acknowledging his *Majeſties* Royal Prerogative, Subjection to his Highneſs, and due canonical Obedience to his *Ordinary*; and ſicklike, commanding the Lords of Council and *Seſſion*, upon ſight of this *Preſentation*, and of the Collation and Inſtitution to follow hereupon, to grant and direct Letters of Horning on a ſimple Charge of Ten days only, and all others Executorials needful, at the inſtance of the ſaid *M. J. L.* againſt all and ſundry the Heretors, Feuers, Farmers, Tennents and Tackſmen within the ſaid Parochin of *Dalgety*, for cauſing him, his Factors and *Servants* in his name be thankfully obeyed and payed of the ſaids Parſonage and Viccarage, Teiths, conſtant local and modified *Stipend*, of the half of the ſaid Cropt and year of God, One thouſand ſix hundred and eighty years foreſaid, and of the whole in all time coming during his ſaid Lifetime, and ſerving the Cure at the ſaid Church. *Given at the Court at* Windſor-Caſtle *the fifth day of* July 1680 *years, and of his Majeſties Reign the* 32*d. year.*

Nota, *This Preſentation as drawn*, viz. *to take Tryal of his Literature, Qualifications is right, becauſe he being only a Student in Divinity, a Tryal ſhould preceed his Admiſſion to the holy Function of the Miniſtry; Whereas an Actual Miniſter paſt his Tryal formerly, and ſo no furder Tryal but as to his good Life and Converſation, and ſo (in this one Poynt) differs from the former Preſentation.*

GIFT *of being ſecond Maſter in the Colledge of the Univerſity of St.* Andrews, *and Profeſſor of Divinity there, in favours of D. A.* M.

OUR *SOVERAIGN LORD* Underſtanding, that the ſecond *Maſters* Place in the new Colledge of the Univerſity of *St. Andrews*, is now vacant in his *Majeſties* Hands, and at his Highneſs Gift and *Preſentation*, as undoubted *Patron* thereof, through the deceaſe of Doctor D. F. laſt ſecond Maſter of the ſaid new Colledge; And his Majeſty being ſufficiently informed of the *Gravity*, *Piety*, Literature, Qualification, *Life*, and good Converſation of Dr. *A. M. Miniſter* at the *Weymes*, and his ability to exerce the Function of a ſecond Maſter in the ſaid Colledge, and for the *Profeſſion* of Divinity there; Ordains a Letter to be paſt and expede under his *Majeſties* Privy Seal of his Ancient Kingdom of *Scotland*, Nominating and Preſenting the ſaid Doctor *A. M.* to the ſecond *Maſters* place of the ſaid New Colledge, and to be Profeſſor of Divinity there, and to the Stipends, Fees, Profits, Emoluments and Caſualities, with the *Priviledges*, Liberties and Immunities known, and accuſtomed formerly to belong to the ſaid Profeſſors place, to be peaceably enjoyed and poſſeſſed by him, ſicklike and als freely in all reſpects as the ſaid *D. D. F.* or any others his Predeceſſors Maſters of the New Colledge has poſſeſſed and enjoyed the ſame, and that for the half of this inſtant Cropt and year of God One thouſand ſix hundred and eighty two years inſtant, and in all time coming during his Lifetime, and exerceing the ſaid ſecond *Maſters* place in the ſaid Colledge: *Commanding* the moſt reverend Father in God, *A.* by divine *Providence*, Arch-Biſhop of *St. Andrews*, Chancellor of the ſaid Univerſity, to take the ſaid *D A. M.* his Oath for acknowledging his *Majeſties Royal Prerogative*, Subjection to his Highneſs, and due canonical Obedience to his Ordinary; And ſicklike, that ye cauſe him *Swear* and Signe the Teſt Appointed by the late Act of Parliament, and to Admit and Receive him to the ſaid ſecond Maſters Place of the New Colledge, and to the Profeſſion of Divinity there, and to the hail Priviledges, Fees, Stipend, Emoluments, Caſualities, and others above-mentioned, and that for the half of the ſaid Cropt and year of God 1682 years inſtant, and ſicklike in all time thereafter during his Lifetime and exercing the ſaid ſecond Maſters *Place* in the ſaid Colledge; *Commanding* alſo the Lords of Council and *Seſſion* on ſight of the Preſentation, with the Admiſſion to follow thereupon, to grant and direct Letters of Horning on a ſimple Charge of Ten days only, at the Inſtance of the ſaid Doctor *A. M.* againſt all and ſundry lyable, and in uſe of payment of the ſaid *Stipends*, Fees, Duties, Emoluments and Caſualities belonging and pertaining to the ſaid ſecond Maſter of the New Colledge, for cauſing him, his Factors, Servants, and others in his Name be readily anſwered, obeyed and payed thereof, and that for the half of the ſaid year of God 1682 inſtant, and ſicklike in all time coming during his ſaid Lifetime, and exercing the ſaid ſecond *Maſters* Place in the new Colledge, conform to the ſaid Preſentation and Admiſſion to follow thereupon in all Points. *Given at the Court at* New-market *the* 15 *day of* March 1682, *and of his Majeſties Reign the* 34 *year.*

Nota, *There be many Churches and Profeſſions whereof the King is Patron, and that before Preſentations thereto were expede the Privy Seal, the perſon preſented found caution conform to the Act of Parliament in the Regiſter of Benefices (a diſtinct Office appointed for that effect) not to dilapidat the Benefice, and in effect the Preſentations are* de verbo in verbum *recorded therein.*

Com-

Commiſſion by his Majeſty to J. *S. Procurator Fiſcal of the Commiſſariot of* Edinburgh, *to collect the* Quotas *of all Teſtaments within that Dioceſs.*

OUR SOVERAIGN LORD conſidering, that ſince the Vacancy of the Biſhoprick of *Edinburgh*, there is no perſon yet Authorized to compone for, and uplift the *Quotas* of Teſtaments, which upon the Confirmation thereof were in uſe, and due to be payed to the Biſhops of that See: And his Majeſty being informed, that J. S. Pocurator-Fiſcal of the Commiſſariot of *Edinburgh*, is a perſon ſufficiently qualified for that purpoſe: *Therefore* our ſaid Soveraign Lord, with advice and conſent of the Lords Commiſſioners of his Majeſties Theſaury and Exchequer, Ordains a Letter of Commiſſion to be paſt and expede under his Majeſties Privy Seal of his Ancient Kingdom of *Scotland*, giving, granting and committing, and by thir preſents his Majeſty with Advice and conſent foreſaid, gives, grants and commits to the ſaid *J. S.* full Power and Warrand to compone all Quotas of Teſtaments that are or may be due ſince the Vacancie of the Biſhoprick of *Edinburgh*, and in time coming during the continuancy of this Commiſſion; and to give ſuch reaſonable Abatements to perſons of merit, or to theſe who are indigent, as have been uſual in former times: And to uplift and diſcharge the ſaids *Quotas*, and to uſe all Diligence for the effectual inbringing thereof, that any perſon intruſted for that effect by the Biſhops of *Edinburgh* were in uſe to do, or might legally have done; *Providing* always that the ſaid *J. S.* be holden and obliged, as by Acception hereof he Binds and Obliges him, his Heirs, Succeſſors and Executors to make Compt, Reckoning and payment to his Majeſty, or to any perſon whom his *Majeſty* ſhall appoint to receive the ſame of his hail *Intromiſſions* with the *Quotas* of the foreſaids Teſtaments, by vertue of this Commiſſion, yearly, Termly, or oftner if he ſhall be required, deducing always his neceſſar Expenſes, with the ſum of 240 pounds *ſcots* Money yearly for his Pains, And that the foreſaid Commiſſion be farder extended in the beſt Form, with all Clauſes needful. *Given at* White-hall *the* 12 *day of* November 1687, *and of his Majeſties Reign the* —— *year.*

Warrand for a new Tack of the Mails and Duties of the Lordſhip of Stirling *to the Earl of* Marr, *with a Diſcharge of the bygone Tack-Duties.*

OUR SOVERAIGN LORD, with Advice and conſent of his right Truſtie and right well beloved Couſin and Counſellor, *W.* M. of *Q.* Lord high Theſaurer of *Scotland*, & of his Majeſties right Truſty and well beloved Counſellor *J. D.* of *L.* his *Majeſties* Theſaurer-deput, as alſo with Advice & Conſent of the remanent Lords and others of his Exchequer; *Ordains* a Letter to be made and paſt under his Majeſties Privy Seal of his ſaid Kingdom, making mention, that in Conſideration of a Contract and Appoyntment made, perfected and ended at *Holly-rud-houſe* the 4 day of *November* 1641 years, betwixt his Majeſties Royal Father of bleſſed memory on the one part, and *J. E.* of M, *&c.* on the other part, whereby for the Sum of 8000 pounds *ſterling* money, due by his ſaid late Majeſty to the ſaid deceaſt *E.* for his Reſignation of his heretable Office of the Sheriff-ſhip of *Stirling*, and other Offices heretably belonging unto him, and for the Arrears of a Penſion conferred upon the ſaid *E*; His ſaid late *Majeſty* in ſatisfaction of the ſaid Sum, did ſet, and in Tack and Aſſedation, let to the ſaid deceaſed *E.* his Heirs and Aſſigneys, *All* and *Haill* the Feu-mails, Feu-ferms, Kanes, Cuſtoms, and other Duties of

the Lands and Lordſhip of *Stirling*, for all the days, ſpace and years of 25 years, next after the date of the ſaid Contract, and in conſideration of a Signature ſuperſcribed by his *Majeſty* at *Stirling*, the eleventh day of *June* 1651, whereby his Majeſty did Ratifie and Approve the foreſaid Contract and Tack therein contained for the whole years thereof then to run; And that notwithſtanding thereof during the years of the late uſurped Authority in *Scotland*, neither the late deceaſed *E.* nor the laſt deceaſed *J. E* of M. his Son did receive any Benefite of the ſaid Tack. Our ſaid Soveraign Lord having been graciouſly pleaſed by his new Letter of Gift, bearing date at *White hall* the 26 day of *October* 1660, to Ratifie Approve and Confirm the foreſaid Contract and Tack therein contained for the whole years then to run, and of new again to ſet, and in Tack and Aſſedation to lett the ſame unto the laſt deceaſed *J. E.* of M. for all the days, ſpace, years and terms of 10 years, next and immediatly following his Entry thereto, which was, and did begin next and immediatly after the expyring of the ſaid 25 years: And that his Majeſty having alſo been graciouſly pleaſed by another new Letter of Gift, bearing date at *Whitehall* the 15 day of *December* 1675 years, of new again to ſett, and in Tack and Aſſedation to *Let* the ſame to the ſaid *C. E.* of M. for all the days, ſpace, years and Terms of three years, next and immediatly after the expyring of the ſaid laſt Tack of Ten years, and thereafter ay and until the ſame be recalled and diſcharged by his *Majeſty*, and that although by their Poſſeſſion, by vertue of the former Tacks, the Debt of 8000 pounds *ſterling* above mentioned be fully ſatisfied and compleatly payed; Yet that his *Majeſty* calling to mind the great Services done and performed to his Majeſty, and his Royal Progenitors by *Ch.* now *E.* of M. and his Noble Predeceſſors, and being willing to beſtow a new *Mark* of his Royal Favour and Bounty upon the ſaid E. both for the well and ſtanding of his Family, and for his furder Encouragement in his Majeſties Service. *Therefore* to have of new again ſet in Tack and Aſſedation, Ilkeas, his *Majeſty* by theſe preſents, and of new again ſetts, and in Tack and Aſſedation Letts unto the ſaid *C. E.* of M. the ſaid Feu-mails, Feu-Ferms, Kanes, and other Duties of the ſaid Lands and Lordſhip of *Stirling*, and that for all the days, ſpace, years and terms of five years, next and immediatly after this preſent year of God 1683, and thereafter ay and until the ſame be recalled and diſcharged by his Majeſty, with Power to the ſaid *E.* to intromet with, and uptake the ſaid Feu-mails, Feu-ferms, Kanes, Cuſtoms, and the other Duties of the ſaid Lands and Lordſhip of *Stirling*, during the ſaid ſpace of five years and thereafter as ſaid is from the Feuers, Farmers, Tennents, Tackſmen, and others addebted in payment thereof, and to give Diſcharges thereupon, in whole or in part, which his Majeſtie Declares to be valid to the *Receivers* paying for the ſame, the ſaid *C. E.* of *M.* to his Majeſty and Royal Succeſſors, the Tack-duty of Ten merks *ſcots* Money upon the----- day of July yearly: Likeas his Majeſty for the cauſes aforeſaid, Exoners and Diſcharges the ſaid *C. E.* of *M.* of all by-run Tack duties of the ſaids Lands and Lordſhip of *Stirling*, reſting and due by the foreſaid Tacks, Willing, and and hereby Ordaining the Lords of Seſſion or Exchequer, to grant and direct Letters of Horning upon a ſimple Charge of ten days, at the Inſtance of the ſaid *E.* againſt all and ſundry the Feuers, Farmers, Tennents, Tackſmen, Chamberlanes, and others addebted in payment of the ſaid Feu-mails, Feu-farms, and other Duties aforeſaid of the ſaid Lands and Lordſhip of *Stirling*, for payment making thereof unto him. *Commanding* alſo the ſaids Lords of Exchequer, to allow the payment to be made unto the ſaid *E.* yearly, as ſaid is, to the Feuers and others aforeſaid in their Accounts, Ordaining the ſaid Letter to be further extended in the beſt Form, with all Clauſes needful; For doing thereof, theſe preſents ſhall be to all perſons who may be reſpectively there-

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in concerned a ſufficient Warrand. *Given at the Court at* White-hall *the* 27 *day of* November 1683. *and of his Majeſties Reign the* 35 *year.*

Tack of the Aſſyſe Herrings of the Weaſt Seas of Scotland, *in favours of* J. *S.* Sheriff *of* Bute, *fallen in his Majeſties Hands,* ratione Foris-facturæ, *with the Priviledge of holding Courts of Juſticiary, and ſeveral other Liberties.*

OUR *SOVERAIGN LORD* Conſidering, that the Aſſyſe Herrings of the Weſt Seas of *Scotland* have fallen, and are at his Majeſties Diſpoſal, by a Doom of Forefaulture pronunced againſt *A.* late E. of *A.* on the—— day of —— laſt by paſt; And his Majeſty being deſireous to beſtow the ſame upon *J. S.* Sheriff of *Bute*; Therefore his *Majeſty* with the Advice and Conſent of (*here inſert the Conſent according to the Conſtitution for the time, and then ſay*) *Ordains* a Letter to be paſt and expede under his *Majeſties* Privy Seal in due Form, ſetting, & in Tack and Aſſedation letting; Likeas hereby his *Majeſty* with Advice and Conſent foreſaid, Setts, and in Tack and Aſſedation for the yearly Duty under-written, Letts to the ſaid *J. S.* Sheriff of *Bute*, his Heirs and Aſſigneys; *All and Haill* the Aſſyſe Herrings of the Weſt Seas of *Scotland*, hail Profits and Commodities thereof whatſoever, within all the Bounds of the Iſles, great and ſmall, Lochs and Creiks, from *Periland-Firth* to the Mule of *Galloway*, or any part thereof, and where the *Sea* Flows within the Rever of *Clyd*, and that for the Days, years, Space and Terms of three years, next and immediatly following the ſaid *J. S.* his Entrey thereto, which is hereby declared to be, and have begun upon the firſt day of *July* 1682 years, and from thence to continue and endure for the ſpace foreſaid, and the ſaid Aſſyſe Herrings, hail Profits and Commodities thereof, to be intromeetted with and uplifted by the ſaid *J. S.* and his foreſaids, during the hail ſpace and time of the ſaid Tack: *With Power* to the ſaid *J. S.* and his foreſaids, to meddle, intromet with, and up-take the ſaid Aſſyſe Herrings, and thereupon to uſe and diſpone at his pleaſure, freely, quietly, and in peace, but any Revocation; *And alſo* with ſpecial Power and Priviledge to the ſaid *J. S*, and his foreſaids by themſelves, and their Deputs and *Subſtitutes* in their Name to be appointed by them (for whom they ſhall be holden to anſwer) to Affix, Affirm and continue, and hold Courts of *Juſticiary* within any part neareſt to the ſaids Bounds and *Seas*, for Adminiſtration of Juſtice, & the *Puniſhment* of Tranſgreſſors of whatſoever Acts or Statutes made, or to be ſet down for obſerving of good Order amongſt the Fiſhers, *Merchants* and Wonners of the ſaids Herrings, as the Cuſtom has been in times paſt, and to intromet with, and up-take the Unlawes, Ammerciaments, and Eſcheats of the ſaids Courts, and the ſamen to apply to their own uſe, and to Poynd and Deſtrenzie therefore, as accords of the Law, and to make and create Officers and Members of Court needful, for whom they ſhall be anſwerable; And generally with power to the ſaid *J. S.* and his foreſaids, to call to an Account any Collectors, *Sub*-tackſmen, or others who have had or ſhall have any Intromiſſion with any part of the ſaids Caſualities, or any Profits ariſing therefrae ſince the ſaid firſt day of *July*, by vertue of any Right whatſoever from his Majeſty, the Lord Theſaurer, or any other perſon whatſoever, and to do all and ſundry other things that to the Office of Bailliary is known to appertain, payand therefore yearly the ſaid *J. S.* and his foreſaids, to his Majeſty and his Highneſs Succeſſors, or to the Theſaurer or Receivers of his Majeſties Rents in his Highneſs Name, the *Sum* of 2000 pound *ſcots* yearly, at the Term of *Whitſunday*, in in name of Tack-duty, beginning the firſt years payment at *Whiteſunday* 1683 years, and ſo-furth yearly thereafter, during the ſpace foreſaid of the ſaid Tack,

And the ſaid Tack to be furder extended, with all Clauſes needful, and with Command therein to the *Lords* of Exchequer or *Seſſion*, to grant and direct Letters, of Horning & Poynding, and others neceſſar, and the Horning to be upon a ſimple Charge of twenty four hours allannerly, at the inſtance of the ſaid *J. S.* and his foreſaids, and their Deputs, for cauſing of them to be thankfully anſwered, obyed and payed of the foreſaid Aſſyſe-Herrings, and alſo all Duties and Caſualities belonging thereto, during the ſpace above-ſpecified of the ſaid Tack. *Given at the Court at* Windſor-Caſtle *the* 22 *day of* July 1682, and *and of his Majeſties Reign the* 34 *year.*

Nota, *theſe Words*, that to the Office of Bailliary, *ſhould have been that to the Office of Juſticiary is known to appertain.*

GIFT of the Tack of the Teinds of the Paroch of Colmonel, *&c. To the Rector and Principal of the Univerſity of* Glaſgow, *and their Succeſſors in Office for the Utility of the ſaid Univerſity, fallen in his Majeſties hands*, ratione forisfacturæ

OUR SOVERAIGN LORD, with Advice and Conſent of (*here inſert the Conſents according to the time, and then ſay*) Ordains a Letter of Gift to be paſt and expede under his *Majeſties* Privy Seal of his ſaid *Kingdom*, in due Form, giving, granting, aſſigning and diſponing; Likeas his *Majeſty* for his Royal Self, and his *Majeſties* Succeſſors by the Tenor hereof, Gives, Grants Aſſigns and Diſpones to, and in favours of his Majeſties Lovits, *The Rector and Principal* of the Univerſity of *Glaſgow*, and their Succeſſors in Office, for the Utility and behove of the ſaid Univerſity ane Tack of the Teinds, Parſonage and Viccarage of the Parochin of *Colmonel*, ſet by them to *T. K.* of —— for the years and ſpace, and for payment of the yearly Tack-Duty, and others therein-mentioned, of the date the —— or of whatſoever other Date, Tenor and Contents of the ſamen be of, now fallen and become in his *Majeſties* Hands, and at his Highneſs Gift and Diſpoſition, by reaſon of Forefaulture Laws and Practiſe of this Realm, and Priviledge of his Majeſties Crown, through being of the ſaid *T. K.* in an Juſtice-Court holden at *Edinburgh* the —— day of —— laſt by paſt, by the Lords Juſtice-General, Juſtice-Clerk, and Lords Commiſſioners of his Majeſties Juſticiary, duely and legally forefaulted for the Crimes of Treaſon and læſe *Majeſty*, and all his Lands, Heretages, Tacks, Steidings, Rooms, Poſſeſſions, Goods and Gear, moveable and unmoveable, Adjudged and Declared to pertain and belong to his *Majeſty*, his Heirs and Succeſſors, in manner mentioned in the Sentence and Doom of Forefaulture, given and pronounced thereanent, as the ſamen of the date foreſaid more fully proports, together with all Right, Title and Benefite whatſoever, which his Majeſty had, has, or any ways may have Claim, or pretend to the foreſaid Tack and Teinds, Parſonage and Viccarage above-mentioned, thereby ſet of all years and Terms bygone, that the ſame has been, and fallen in his *Majeſties* Hands by reaſon foreſaid, and yearly and termly in time coming, during the years and ſpace of the ſaid Tack yet to run. *With full Power* to the ſaid Rector and Principal of the ſaid Univerſity of *Glaſgow*, and their Succeſſors in Office, for the Utility and Behove of the ſaid Univerſity, to poſſeſs, Teynd, Lead, Collect, Intromet with, and uplift the foreſaids Teinds, Parſonage and Viccarage of the ſaid Parochin of *Colmonel*, and thereupon to uſe and diſpone at their pleaſure, and to ſerve and execute Inhibitions thereupon yearly; and if need beis, to call, follow, Charge and Purſue therefore as accords of the Law, and to ſet Tacks and Aſſedations of the ſame;

and

and generally all and ſundry other things neceſſar and requiſite anent the Premiſſes, to do, uſe and exerce, ſicklike and als freely in all reſpects as the ſaid *T. K.* of —— might have done before the comitting of the ſaid Crime of Treaſon, and before the pronouncing of the ſaid Doom and Sentence of Forefaulture againſt him, and that the ſaid Letter of Gift be further extended, with all Clauſes needful. *Given at* Edinburgh *the* 11 *day of* May 1685 *years.*

Nota, *This Gift ſhould have been under the Kings own Hand, but it ſeems it was granted by a Letter from his Majeſty, for the Exchequer of themſelves, uſe not to diſpoſe of Forefaultures, without they have that Power by vertue of their Commiſſion, no more than they have to grant a* de novo Damus, *or to Tax Lands.*

COMMISSION of the Chamberlainry of *Fife*, in favours of Mr. G. *B.* Advocat; and whereby the former Commiſſions are Recalled.

OUR SOVERAIGN LORD *being ſufficiently Informed and Aſſured of the Qualifications, Fidelity and Ability of His Majeſties Lovit* Mr. G. B. *Advocat, for Collecting, Uplifting and Receiving of His Majeſties Rents, Profits and Duties, due and payable to His Majeſty, furth of the Lordſhip and Stewartry of* Fife; *and conſidering how neceſſar and expedient it is for His Majeſties Service and Intereſt, to have an fit and able Chamberlain imployed for that effect:* Therefore, *Our ſaid Soveraign Lord Ordains an Letter of Gift and Commiſſion to be paſt and exped under his Highneſs Privy Seal of the Kingdom of* Scotland, *in due Form; Making, Nominating, Conſtituting and Ordaining: Likeas His Majeſty, by thir preſents, Makes, Nominats, Conſtitutes and Ordains the ſaid* Mr. G. B. *during all the days of his Lifetime, his Majeſties ſole and only Chamberlain of the ſaid Stewartry and Lordſhip of* Fife, *and of all Lordſhips, Baronies, Lands and others pertaining and belonging thereunto; and giving, granting and diſponing, likeas His Majeſty by theſe preſents, gives, grants and diſpones to the ſaid* Mr. G. B. *during his ſaid Lifetime, the foreſaid Office of Chamberlainry of* Fife, *with all Fees, Caſualities, Profits, Emoluments, Priviledges & Duties pertaining & belonging thereunto, or whereof the former Chamberlains thereof have been in Uſe and Poſſeſſion at any time by-gone, or which may any ways accreſs and belong to the ſaid Office in time-coming;* with full Power *to the ſaid* Mr. G. B. *during his ſaid Lifetime, and to his Deputs and Factors under him (for whom he ſhall be anſwerable) to Intromet with, Uplift, Ask, Crave and Receive the haill Rents, Mails, Farms, Caſualities, Profits and Duties, due and payable to His Majeſty, furth of the ſaid Lordſhip and Stewartry of* Fife, *haill Lands, Lordſhips, Baronies and others thereunto pertaining and belonging, and that of all Years and Terms by-gone, reſting, owing, unpayed, and yearly and termly in time-coming; and upon Receipt of the ſame, in haill or in part, to grant Diſcharges, which ſhall be ſufficient to the Receivers; and to call, follow, charge and purſue therefore, and generally all and ſundry other things thereanent to do, ſicklike and als freely in all reſpects as any other Chamberlain in the ſaid Office, or any other Chamberlain in the Kingdom of* Scotland *has done or may do in any time by-gone or to come;* Commanding *hereby the Lords Commiſſioners of His Majeſties Theſaury, Theſaurer-Principal, & Theſaurer-Depute for the time, to enter, admit and receive the ſaid* Mr. G. B. *to the foreſaid Office of Chamberlainry, and to Adminiſtrat to him ſuch Oaths as are appointed by the Laws of the Kingdom in the like caſes; and likeways commanding the Lords of his Council and Seſſion, or Exchequer, to grant and direct Letters of Horning, Poynding, and others*

requiſite at the inſtance of the ſaid Mr. G. B. *or his Deputs and Factors under him, againſt all and ſundry His* Majeſties *Vaſſals, Feuars, Farmers, Liferenters, Tacksmen, Tennents, Poſſeſſors and Occupyers of the Lands, Lordſhips, Baronies and others above-written, and all others lyable in payment to His Majeſty of the foreſaids Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties due and payable furth thereof, for payment making to the ſaid Mr.* G. B. *of the ſamen, of all Years and Terms by-gone, reſting, unpayed, and yearly and termly in time-coming during his Lifetime*; Providing *always, likeas it is hereby expreſly Provided & Declared, that the ſaid Mr.* G. B. *ſhall be holden and obliged to make juſt Compt, Reckoning and Payment to His Majeſty and his Highneſs Succeſſors, and their Theſaurer, Principal and Deputs, or Commiſſioners of His Majeſties Theſaury and Exchequer for the time, of the foreſaids Rents and Duties to be Intrometted with and Uplifted by him, by vertue of this preſent Commiſſion, as uſe is, they always allowing and deducing to the ſaid Mr.* G. B. *the ordinar Fees and Duties uſual to be allowed and deduced to thoſe in the ſaid Office of Chamberlainry, at any time heretofore, which His Majeſty requires and ordains His ſaid Theſaurers, Principal and Deput, or Commiſſioners of the Theſaury for the time, to pay and allow to the ſaid Mr.* G. B. *during his ſaid Lifetime*; *and His Majeſty has recalled, annulled and diſcharged, and hereby recalls, annulls and diſcharges all former Commiſſions granted to any other perſons of the ſaid Office of Chamberlainry at any time heretofore, and ſpecially the Commiſſion and Gift of the ſaid Office of Chamberlainry granted by His Majeſty in favours of* J. M. *of* ——— *and* J. M. *his Son, which (in regard they have not taken the Oath and Teſt, appointed by the late Act of Parliament,) His Majeſty doth hereby declare to be void and null in all time-coming, and ordains the ſaid Gift and Commiſſion to be further extended under His Majeſties Privy Seal, with all Clauſes needful.* Given at

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Warrand for a GIFT *of the Place of one of His Majeſties Phyſicians in Ordinary in* Scotland, *in favours of Doctor* A. B.

OUR *SOVERAIGN LORD* being well informed both of the Loyalty, and of the Ability, Integrity, and other good Qualifications of His Truſty and Well-beloved Doctor, *A. B.* to exerce the Place and Office of one of His Majeſties Phyſicians in Ordinary, within His Majeſties ancient Kingdom of *Scotland*; and being graciouſly deſirous to confer a Mark of his Royal Favour upon him, Ordains a Letter to be made and paſt under the Privy-Seal of his ſaid Kingdom, Nominating, Conſtituting and Ordaining; likeas His Majeſty hereby Nominats, Conſtitutes and Ordains the ſaid Dr. *A. B.* during all the days of his Life, to be one of His Majeſties Phyſicians in Ordinary within his ſaid Kingdom, Giving, Granting and Diſponing unto him the ſaid Place and Office, to be poſſeſſed and enjoyed by him during the ſpace foreſaid, as fully and freely in all reſpects and conditions as any of his Majeſties Phyſicians in Ordinary within his ſaid Kingdom hath formely enjoyed, at preſent doth, or hereafter may enjoy the like Place and Office; with all Profits, Benefits, Priviledges, Liberties, Immunities and Caſualities thereunto belonging: And His Majeſty Ordains the ſaid Letter to be further extended, in the beſt Form, with all Clauſes needful. *Given at*

GIFT

GIFT to be His Majeſties Principal Apothecary and Droggiſt, in favours of Mr. Al. Hay, *Apothecary, Burges of* Edinburgh; *and likewiſe Apothecary to the Forces.*

OUR SOVERAIGN LORD Underſtanding the Qualification, Literature and Ability of his *Majeſties* Lovit Mr. *A. H.* Apothecary, Burges of *Edinburgh*, for uſing and exercing the Office of Principal Apothecary and Droggiſt to his *Majeſty*, his Royal Family and Forces, within his *Majeſties* ancient Kingdom of *Scotland*; therefore his *Majeſty*, with Advice and Conſent of the Lords and others Commiſſioners of His Majeſties Theſaury and Exchequer of the ſaid Kingdom of *Scotland*, *Ordains* an Letter to be paſt and expede under His *Majeſties* Privy-Seal of the ſaid Kingdom, in due and competent Form, *Making*, Conſtituting and Ordaining; likeas His Majeſty, by the Tenor hereof, Makes, Conſtitues and Ordains the ſaid Mr. *A. H.* during all the days of his Lifetime, Principal Apothecary and Droggiſt to His Majeſty, His Royal Family, and Forces within His *Majeſties* ancient Kingdom of *Scotland*; and Giving and Diſponing, likeas His *Majeſty*, by theſe *Preſents*, Gives and Diſpones to him, during his ſaid Lifetime, the Office thereof, with all Priviledges, Freedoms, Immunities, Commodities and Caſualities belonging, or that any manner of way may belong thereunto; with full Power to the ſaid *Mr. A. H.* during his ſaid Lifetime, to Uſe and Exerce the ſaid Office of Principal Apothecary and Druggiſt to His *Majeſty*, his Royal Family and Forces, as is above-written; and to Uplift and Enjoy all Fees, Benefits, Profits, Freedoms, Immunities, Commodities and Caſualities whatſomever, belonging, or that any manner of way may belong thereunto, ſicklike and als freely in all reſpects as any other in that Office, uſed and enjoyed, or may uſe and enjoy the ſame. And forſuameikle as by ſeveral Acts of *Parliament*, particularly by the 275 *Act* of the 15 *Parliament* of His *Maieſties* Grand-father King *James* the Sixth of bleſſed *Memory*, theſe who are Employed in His *Majeſties* Service (as ane of ilk Occupation) are exempted from bearing any Burden, or Watching and Warding within Burgh with the reſt of the Neighbours; His *Majeſty* Wills and Grants, and hereby Ordains, that the ſaid *Mr. A. H.* ſhall enjoy the benefit of the ſaid Act of Parliament, and of all other Acts of Parliament or Council whatſomever conceived in favours of theſe who are Employed in His *Majeſties* Service; and that the ſaid Letter be further extended in the beſt Form, with all Clauſes needful. *Given at*

WARRANT for a Gift of the Officers of one of the ordinary Macers before the Secret Council, Exchequer and Commiſſions, in favours of J. J. Servitor to the E. of M. one of the Secretaries of State; It alſo bears to be Serjeant at Arms.

OUR SOVERAIGN LORD Ordains a Letter to be made and paſt under his *Majeſties* Privy Seal of his Ancient Kingdom of *Scotland*, in due Form, making mention, that foreſomuch as, his Majeſty being informed, that *J. S.* one of the ordinary *Macers* before the Lords of Secret Council and Exchequer, is lately departed this Life; And taking into his Royal Conſideration, the Loyalty, and other good Qualifications of *J. J.* (Servant to his *Majeſties* right Truſtie, and right well beloved Couſin and Counſellor, *A. E.* of *M.* one of his Majeſties Secretaries of State for the ſaid Kingdom)

whereby he is well fitted for the true and faithful Diſcharge of the Places and Offices of one of the ſaid ordinary Macers now vacant, and at his Majeſties Gift and Diſpoſal: *Therefore* to have Nominated, made, Conſtituted and Appointed, like as his *Majeſty* by theſe preſents (with Advice and Conſent of his Majeſties right Truſty, and right well beloved Couſin and Counſellor, *W.* M. of *Q.* Lord high Theſaurer, his Majeſties right Truſty, and well beloved Couſin and Counſellor *J. D.* of *L.* Lord Theſaurer-Depute, and of the remanent *Lords* and others of the Exchequer, Nominats, makes, Conſtituts and appoints the ſaid I. J. to be one of the ordinary *Macers* before the *Lords* of Secret Council, Exchequer, and Commiſſions, and a *Serjeant* at Armes, during all the days of his life; giving, granting and diſponing to the ſaid *I. J.* the ſaids Offices, with all Fees, Duties, Profits, Caſualities, and Priviledges, whatſoever thereunto belonging: *With full Power*, to the ſaid *I. J.* to uſe, and exerce the ſaid Offices, and to uplift and receive the Fees, Duties, Profits, and Caſualities thereof, (during the ſpace foreſaid) as amply and freely in all reſpects and conditions, as the ſaid deceaſed *J. S.* or any others his Predeceſſors Macers (as aforeſaid) uſed and exerced, or might have uſed and exerced the ſaid Offices in any time bygone; With Command in the ſaid Letter to the Lords of his Majeſties Secret Council, Exchequer and Comiſſions, to receive the ſaid *I. J.* in the ſaid Offices, as is above-written, and to take his Oath for due and lawful Adminiſtration thereof, and to authorize him with their Teſtimonial of Admiſſion thereunto, in due and competent Form as effeirs, conform to the Tenor of the ſaid Letter in all Points: And his Majeſty ordains the ſaid Letter to be further extended in the beſt and moſt ample Form, with all Clauſes needful. *Given at*

WARRAND for an Gift of the Office of one of the four Ordinary Macers before the Lords of Council and Seſſion, in Favours of W. *S. Writer in* Edinburgh.

OUR SOVERAIGN LORD Underſtanding, that by the deceaſe of *I. G.* there is an place of one of the ordinary Macers before the Lords of Council and *Seſſion*, now vacant in his *Majeſties* hands, and at his Gift and *Diſpoſal*; And his *Majeſty* being well informed of the Loyalty and Fidelity of *W. S.* Writer in *Edinburgh*, and his Ability and Fitneſs to exerce the ſaid Place and Office; Therefore, Ordains an Letter to be made and paſt under his Majeſties Privy *Seal* of his Ancient Kingdom of *Scotland*, nominating, conſtituting and ordaining: Likeas his *Majeſty* by theſe preſents, nominats, conſtitutes and ordains the ſaid *W. S.* to be one of the four ordinary *Macers* before the ſaids Lords of *Council* and *Seſſion*, during all the days of his life; giving, granting and diſponing the foreſaid Place and Office to him, with all the Penſions, Fees, *Priviledges*, Caſualities, Profits and Duties pertaining, or which are, or may be knowen to pertain and belong to the ſame, With full *Power* to the ſaid *W. S.* during the ſpace foreſaid, to Bruik, Joy and Exerce the ſaid Office and Place, and to intromet with, uplift and receive the whole Fees, Penſions, Caſualities, Profits and Duties above-ſpecified thereto belonging, from and after the —— day of —— and —— years, als fully and freely in all reſpects and Conditions, as the ſaid *J. G.* or any other of his Predeceſſors in the ſaid Office did Bruik and enjoy, or might have bruiked or enjoyed the ſame at any time heretofore (and particularly without prejudice of the ſaid Generality) the Fees and *Duties* due to the Macers before the Lords of Council and *Seſſion*, by vertue of a *Ratification* and new Grant from his *Majeſties* moſt dear, and moſt intirely beloved Brother *K. C.* the ſecond (of ever bleſſed *Memory*) under the *Privy Seal* of the ſaid *Kingdom*, bearing date at *Whitehall*

hall the 7 day of *May* 1676 years; And generally with power to him to do and perform all other things, any manner of way, that to the Duty of the ſaid Place and Office is known to appertain: *Commanding* hereby the Lords of Council and Seſſion, to admit and receive the ſaid *VV. S.* unto the ſaid Office, in the ordinary Form and manner in the like Caſes accuſtomed. And to take his Oath for due and lawful Adminiſtration thereof, and to Authorize him with their Teſtimonial thereupon, in due Form as effeirs; As alſo to cauſe him Swear and Sign the Teſt, and take the Declaration, and other Oaths appointed by Law: And likeways *Commanding* his Majeſties Theſaurer-principal, Theſaurer-Deput, or Commiſſioners of his Majeſties Theſaury for the time being, to make payment to the ſaid *VV. S.* as one of the ſaid four Macers, in manner above-mentioned, in the Gift and Ratification above ſpecified, whoſe Receipt for the ſame (together with theſe preſents ſhall be to them, and to the Lords Auditors for allowing the ſame in their Accounts, a ſufficient Warrand. And his Majeſty *Ordains* the ſaid Letter to be further extended in the beſt and moſt ample Form, with all Clauſes needful. *Given at*

WARRANT for a Gift to be Meſſenger to his Majeſties Privy Council, and Exchequer, as to all Letters and Diligence relating to his Majeſties Revennes and Caſualities.

OUR SOVERAIGN LORD Underſtanding, that his Majeſties Privy Council and Exchequer within his Ancient Kingdom of *Scotland*, have had Meſſengers properly belonging thereto, for executing all his Majeſties Letters, for in-bringing of his Majeſties Rents, Cuſtoms, Exciſe, and all other Caſualities belonging to his Majeſties Crown, and all other publick Letters and Summonds; And that the ſaid Place is preſently vacant, and at his Majeſties Gift and Diſpoſition, through the Deceaſe of *J. Y.* Purſevant, who laſt exerced the ſaid Office, by vertue of a Dimiſſion from *W. C.* his Majeſties laſt Meſſenger in Exchequer; And his Majeſty being fully and ſufficiently informed of the fitneſs and faithfulneſs of *J. P.* Meſſenger in *Edinburgh*, to Exerce and Diſcharge the ſaid Office; *Therefore* his Majeſty with Advice and Conſent (*here inſert the Conſents according to the Conſtitution for the time, and then ſay*) *Ordains* a Letter of Gift to be paſt, and expede under his Majeſties Privy Seal of his ſaid Kingdom, in due form as effeirs, Nominating, Making, Conſtituting and Appointing; Likeas, his Majeſty with Advice and Conſent foreſaid, Nominats, Makes, Conſtituts and Appoints the ſaid *J. P.* during all the days of his Lifetime, to be Meſſenger to his Majeſties Privy Council and Exchequer within the ſaid Kingdom, preferring and allowing him to be imployed for executing all Letters, and others raiſed, or to be raiſed at his Majeſties Inſtance, for all the Rents, Feu-duties, Cuſtoms, Exciſe, and all others whatſoever belonging to his Majeſties Crown within the ſaid Kingdom; And his Majeſty with Advice and Conſent foreſaid, gives, grants, and Diſpones to the ſaid *J. P.* during all the days of his Lifetime, the ſaid Office, with all the Fees, Profits, Priviledges, Immunities and Caſualities belonging, or which are known to pertain and belong to the ſamen. *With full Power* to him to exerce the ſaid Place and Office, and to execute all Letters, Precepts and Commiſſions, and others whatſoever belonging thereto, and to do and uſe all other things requiſite and neceſſar thereanent; ſicklike, and als freely in all reſpects, as any other Meſſenger in the ſaid Office has done at any time bygone, and for the ſaid *J. P.* his better Encouragment to diſcharge the ſaid Office, his Majeſty with Advice and Conſent foreſaid, gives and grants to the ſaid *I. P.* the ſum of 80 *lib. Scots*

money in name of Sallary, to be payed to him, out of his Majesties Exchequer yearly and termly, at two Terms in the year, *Whitsunday* and *Martinmas* by equal Portions, during all the days of his Lifetime; *And Ordains* the Lords of his Majesties Thesaury to make good and thankful payment to him of the samen accordingly: And that the said Letter of Gift be further extended with all Clauses needful. *Given at*

WARRAND for a Gift of the Office of Presenter of Signatures in Exchequer, in favours of *John Veatch* of *Daik*.

OUR SOVERAIGN LORD *Understanding, that the Office of presenting Signatures to his Majesties Exchequer, and ordering of his Majesties Dispatches within his Majesties Ancient Kingdom of* Scotland, *is now vacant in his Majesties Hands, and at his Royal Gift and Disposition, by and through the Dimission of* W. B. *late Presenter of Signatures, conform to a Letter of Dimission and Resignation thereof made and subscribed by him in manner therein specified, of the date the —— day of —— last past; And his Majesty being sufficiently Informed and Assured, as well of the Fidelity and Loyalty of* J. V. *of —— as of his Abilities and Qualifications fitted for exercing the foresaid Office, and Trust.* Therefore *Our said Soveraign Lord Ordains a Letter of Gift to be past and expede under his Majesties Privy Seal of the said Kingdom, in due Form, giving, granting and disponing; Likeas, his Majesty by these presents gives, grants and dispones to, and in favours of the said* J. V. *the foresaid Office and Place of presenting Signatures in his* Majesties Exchequer, *and the Ordaining his* Majesties *Dispatches within the said Kingdom, with all Fees, Dues, Priviledges, Casualities and Immunities whatsoever belonging to the same, to be Bruiked and Enjoyed and Exerced by the said* J. V. *during his* Majesties *pleasure only, as fully and freely in all respects, as the said* W. B. *the deceased* M. P. B. *his Father, or any others in the said Place and Trust have done at any time heretofore; With Command in the said Gift to his Majesties Thesaurer-Principal, and Thesaurer-Depute, or the Lords Commissioners of his Majesties Thesaury for the time-being, to make due and thankful payment to the said* J. V. *of his Fees, and to receive and admit him to the Exercise of the said Place and Office, during his Majesties pleasure as aforesaid: And his Majestie Ordains the said Letter of Gift to be further extended in the best Form, with all Clauses needful.* Given at

This Gift was afterwards Renewed, and his Son conioyned.

GIFT of the Office of being his Majesties Horse Leitch, or Ferrier within the Kingdom of *Scotland*, in favours of *Barth Gibson*, Ferrier in the *Abbey* of *Holy-rood-house*.

OUR *SOVERAIGN LORD with the special Advice and Consent of* (here insert the Consents according to the time, and then say) Ordains *an Letter to be made and past under his Majesties Privy Seal of the Kingdom of* Scotland *in due Form, making, nominating, and appointing; Likeas his* Majesty *by the Tenor hereof, makes, nominats and appoints his Man* Lovit B. G. *Ferrior in the* Abbey *of* Holy-rood-house *to be his* Majesties *Horse leitch or Ferrier within the Kingdom of* Scotland, *during all the days of his Lifetime; giving, and granting to him the forsaid Office, during the said Space with all Fees, Duties, Priviledges, Immunities, and others whatsomever belonging thereto, or that may pertain or belong to any other of his Majesties Servants, or*

that

that has formerly pertained and belonged to any of his Majesties Ferriors, With Power *to him by himself, his servants and others in his Name (for whom he shal be answerable) to use, exerce, bruike, and enjoy the said Office, during the said space, with all Fees, Duties, Priviledges, Immunities, and others thereto belonging, and to do all things whatsomever requisit and necessar thereanent, and for the said* B. G. *his Encouragment in the said service, his Majesty doth hereby give and grant to him an House and Shop within the Precinct of his Majesties Palace of* Holy-rood-house, *to be bruiked and enjoyed by him during his service; and in respect by several Acts of* Parliament *and Council, and particularly by the* 275 *Act of the* 15 Parliament *of his Majesties Grand-father King* James *the sixth of ever blessed memory, These who are imployed in his Majesties service (as one of ilk Occupation) are exempted from bearing any Burden, watching or warding within Burgh with the rest of the neighbours: Therefore his Majesty with Consent foresaid, Wills and Declares that the said* B. G. *shall enjoy the benefit of the said Act of* Parliament, *and of other Acts of* Parliament *and Council whatsomever, conceived in favours of those who are imployed in his Highnes service, freely, quietly, well and in peace, but Revocation, and that the said Letter be further extended in the best Form with all Clauses needfull.* Given at

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WARRANT of being his Majesties Master Cowper, in Favours of *John Keir* Cowper in *Leith.*

OUR SOVERAIGN LORD *considering, that the Office of* Master Cowper *to his* Majesty *in* Scotland *is now vacant, and at his Highnes Gift and Disposition by the decease of* F. W. *and that* I. K. Cowper *in* Leith, *is an fit person for exercing the samen; Therefore his Majesty gives, grants and dispones to the said* I. K. *during all the days of his Lifetime the said Office of* Master-Cowper *within the Kingdom of* Scotland, *with power to him to use and exerce the samen, als freely and in all respects, and to intromet with, and uplift the Casualities, Profits and Emoluments belonging thereto, as any other Master-Cowper within the said Kingdom, did or might have done at any time before, and for the said* I. K. *his Encouragment to exerce the said Office, His Majesty gives, grants and dispones to him, during all the days of his Lifetime, the sum of twenty pound* Scots *Money of Fee, to be payed to him by his Majesties Theasurer, or Commissioners of the Thesaurie, at two Terms in the year,* Whitsunday *and* Martinmas, *in* Winter, *by equal portions beginning the first Terms payment thereof at the Feast and Term of* Whitsunday *next to come, Requiring and Commanding his Majesties Theasurer, or Commissioners of the Thesaury, present or to come, to make payment to the said* I. K. *during all the days of his Lifetime, of the said sum of twenty pounds* Scots *Money of Fee, yearly at the Terms above-written, and that out of the first and readiest of his Majesties Rents and Revenues, and which shall be allowed to them in their Accompts: And Ordains these Presents to be further extended in the best Form, with all Clauses needful; and to pass his Majesties Privy Seal of the said Kingdom, for doing whereof this shall be to all persons that may be therein concerned, a sufficient Warrant,* Given at

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GIFT to be His Majesties Baker, in favours of *Willium Mitchel* Baxter, Burges of *Edinburgh.*

OUR SOVERAIGN LORD, *With Advice and Consent of the Lords Commissioners of His Majesties Thesaury and Exchequer of the Kingdom of* Scotland, *Ordains an Letter of Gift to be made and past under his Majesties*

Privy Seal of the ſaid Kingdom, in favours of his Majeſties Lovit W.M. *Baker Burges of* Edinburgh, *making, conſtituting and orddining the ſaid* W.M. *during all the days of his Lifetime, Serjeant of his Majeſties Paiſtry, and Maſter-Baker to all his Majeſties High Commiſſioners of the ſaid Kingdom, during the ſpace foreſaid*; Giving *and Granting to the ſaid* W.M. *during his ſaid Lifetime, as ſaid is, the Office foreſaid, with all and ſundry Fees, Profits, Commodities, Priviledges, Immunities, Emoluments and Caſualities whatſomever thereto pertaining and belonging, as fully and freely in all reſpects, as the deceaſed* W.M. *Baker Burges of* Edinburgh, *Father to the ſaid* W.M. *or as umquhile* R.M. *Baker Burges of the* Cannongate, *laſt Poſſeſſor of the ſaid Office, or any other his Predeceſſors therein, Exerced and Enjoyed, or lawfully might have exerced and enjoyed the ſamen at any time heretofore*; And *particularly the ſpecial Priviledge and Immunity of being freed and exeemed from all Stents, Taxations, Watchings, Wardings, and other Impoſitions whatſomever, Impoſed, or to be Impoſed hereafter, conform to the* 275 *Act of the* 15 *Parliament of Our Royal Grand-father King* James *the Sixth, and other Acts of Parliament and Council of Our ſaid Kingdom, made in favours of his Majeſties Tradeſmen and Servants*; *With full Power to the ſaid* W.M. *to uſe, enjoy and exerce the ſaid Office, Priviledges, Fees and Profits thereof, freely, quietly, well, and in peace, without any revocation, obſtacle, impediment, or again-calling whatſoever*; *Prohibiting and Diſcharging all other perſons whatſomever from all uſing and exercing the ſaid Office, or any ways medling therein, or with any of the Profits, Fees, or Priviledges thereto belonging, during the ſaid ſpace*; *And that the foreſaid Letter be farder extended with all Clauſes needful.* Given at the Court at *Whitehall*, the 22 day of *March* 168⅞, and of His Majeſties Reign the third year.

Warrand for an GIFT of the Office of being His Majeſties Clock-Maker, and Keeper and Dreſſer of His Majeſties Clocks, Watches and Pendulums, within the Kingdom of *Scotland*, in favours of *John Alexander*.

OUR SOVERAIGN LORD *Underſtanding, That the Place and Office of His Majeſties Clocks, Maker and Keeper and Dreſſer of his Majeſties Clocks, Watches and Pendulums, in His Majeſties Palaces and Houſes, in His ancient Kingdom of* Scotland, *is now Vacant in His Majeſties Hands, and at His Gift and Diſpoſition, by and through the deceaſe of* J B. *laſt Poſſeſſor thereof*: *And His Majeſty being informed of the Qualifications and Fitneſs of* J. A. *Clock-maker and Burges of* Edinburgh, *to exerce the ſame, and of his Affection to His Majeſties Service*; *Therefore Our ſaid Soveraign Lord (with Advice and Conſent of the Right Honourable the Lords Commiſſioners of His Majeſties Theſaury, and of the remanent Lords and others of His Majeſties Exchequer,)* Ordains *a Letter to be paſt under His Majeſties Privy Seal of his ſaid Kingdom*; *Giving, Granting and Diſponing, likeas His Majeſty by theſe preſents, Gives, Grants and Diſpones unto the ſaid* J. A. *during all the Days of his Life, the ſaid Place and Office of His Majeſties Clock-maker, and Keeper and Dreſſer of His Majeſties Clocks, Watches and Pendulums in his ſaid Kingdom, to be Enjoyed and Exerced by him (during the ſpace foreſaid) with all and ſingular the Freedoms, Liberties, Immunities, Priviledges, Fees, Profits and Caſualities whatſoever thereunto belonging, as fully and freely in all reſpects and conditions, as the ſaid deceaſed* J. B. *or any of his Predeceſſors in the ſaid Place and Office did Poſſeſs and Enjoy, or might have poſſeſſed or enjoyed the ſame at any time heretofore*; *And forasmuch as by ſeveral Acts of Parliament and Council, but particularly by the* 275 *Act of the* 15 *Parliament of His Majeſties Royal Grand-father King* James *the ſixth of bleſſed Memory, they who are employed in His Majeſties Service (as one of ilk Occupation or Trade) are Exempted from bearing*

bearing any Burthen of Watching and Warding within Burgh with the reſt of the Neighbours; Therefore His Majeſty Declares and Ordains, that the ſaid J. A. ſhall enjoy the benefit of the ſaid Act of Parliament, and of all other Acts of Parliament or Council whatſoever conceived in favours of ſuch Tradeſmen as are employed in His Majeſties Service; and Ordains the ſaid Letter to be further extended in the beſt Form, with all Clauſes needful. Given at

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WARRAND for a Gift of the Office of being Purveyer and Proviſor of the Cloath, and Maker of the Gowns to the Kings Beid-men, in favours of W. Calderwood.

OUR SOVERAIGN LORD Underſtanding, that by the late Deceaſe of *J. W.* the Place and Office of Purveyer, and Proviſor of the Cloath, and Maker of the Gowns to the poor old *Men*, commonly called the King's Beid-men, in his Ancient *Kingdom* of *Scotland*, is now vacant in his Majeſties Hands, and at his Gift and Diſpoſition; And his *Majeſty* being ſufficiently informed of the Honeſty of *W. C.* and of his Qualifications fit for exercing the ſaid Office: Therefore his Majeſty Ordains a Letter to be paſt under the *Privy Seal* of his ſaid *Kingdom*; Nominating, Making, Conſtituting and Appointing, Likeas, his Majeſty by theſe preſents (with the Advice and Conſent of the right Honourable the Lords Commiſſioners of his Majeſties Theſaury, and of the remanent Lords & others of his Highneſs Exchequer) Nominats, Makes, Conſtitutes and Appoints the ſaid *W. C.* during all the days of his Life, to be Purveyer and Proviſor of the Cloath, and *Maker* of the Gowns to the ſaid poor old *Men*, commonly called the *King's* Beid-men, yearly at the time when they uſe to have the ſaid Gowns made for them, which is his *Majeſties Birth-day*, giving, granting and diſponing the ſaid Place and Office to the ſaid *W. C.* during the ſpace foreſaid, with all Fees, Benefits, Profits, Priviledges, Immunities, Commodities and Duties whatſoever thereunto belonging: *With full power* to the ſaid *W. C.* either by himſelf or his Deputs, (for whom he is to be anſwerable) to uſe and exerce the ſaid Place and Office, during the ſpace foreſaid, as fully and freely in all reſpects and conditions, as the ſaid *J W.* or any of his Predeceſſors therein have, or might have enjoyed the ſame at any time heretofore, diſpenſing with the Generality foreſaid; and Ordaining theſe preſents to be extended in the beſt Form, with all Clauſes needful. *Given at.*

WARRAND for a Patent to W.H. R. P. C. *D. and S. S. to practiſe the Art of Weighing up, and recovering Ships,* &c. *in the* Scots *Seas and Harbours for* 14 *years.*

OUR SOVERAIGN LORD taking into his Royal Conſideration, the Propoſal and Overtures made by *W. H.* R. P. *C. D.* and *S. S.* of the City of *London*, Merchants, Undertakers for weighing up, Recovering and Obtaining (from under Water) Ships, Guns, Treaſure, and other Goods ſhipwrack't, or loſt in Harbours, Roads, or at Sea, by ſeveral Ingines and Inſtruments, with the Advice and Conſent of (*here inſert the Conſents according to the Conſtitution for the time, and then ſay*) Ordains a Letter or Patent to be made and paſt under the Privy Seal of the ſaid Kingdom, in due and competent Form, giving and granting, as his Majeſty with Advice and Conſent foreſaid, hereby gives and grants to the ſaid *W. H. R. P. C. D.*

and *S. S.* their Heirs, Executors, and Adminiſtrators, full and ſole Power, Licence, Priviledge and Authority, that they and their Work-men and Servants, *Deputs* and Aſſigneys, and no other perſon ſhall, and may during the full Term and Time of fourteen years uſe, Practiſe, and put in Execution the ſaid Art within the Seas and Roads of, and belonging to his *Majeſties* ſaid Kingdom of *Scotland*, and that they the ſaid *W. H.* R. P. *C. D.* and *S. S.* their Work-men, Servants, Deputs and Aſſigneys, and no other perſon or perſons ſhall, and may, during the Term and Time aforeſaid, Weigh-up, Recover and obtain from under water within the Roads and *Seas* aforeſaid, or any of them, All, or any Ships, or Ship-guns, Theaſure, and other Goods which have been Ship-wrack'd, loſt and Sunk, and do now ly under Water in any of the *Roads* and Seas aforeſaid, and particularly a *Ship* of the *Spaniſh Armado*, which came to invade the Kingdom of *England*, in the year of our Lord 1588, ſunk in the Weſtern ſeas of his Majeſties ſaid Kingdom of *Scotland*, and the Guns and Theaſury of, or belonging to, and ſunk in the ſaid *Ship*, as well as other Ship and Ships-Guns, Theſaury and Goods in the ſame, or any other the Seas aforeſaid, ot within any of the Roads above-writen, and every of them, and for the ends and purpoſes aforeſaid, to ſend, uſe and imploy Ships, Veſſels, Men, and other things neceſſary: And his Majeſty doth hereby Will, and Command all his *Subjects* to give free Liberty to them to work at all times, Places and Occaſions, ſtrictly prohibiting any other of his Subjects, to Trouble, Moleſt or Impede the ſaid Undertakers in the foreſaid Affair, as they will be anſwerable at their higheſt Perrils: They being always obliged (as by the Acceptance hereof they become bound) to perform and fullfil to his Majeſty, and his Royal *Succeſſors*, the Articles and Argreements following, *viz.* That they ſhal anſwer and pay to his *Majeſty* & his ſucceſſors in manner following, one full Moiety of the clear Value of the ſaid Things ſo to be recovered & obtained after the full Charges, in, for and about the Recovery and Obtaining thereof (wherein Fraught & Ship-hire, as well as other Charges are to be included) ſhall thereout be firſt deduced and allowed to the ſaid Undertakers, and their Aſſigneys; Which Charges his ſaid Majeſty doth Will, and Order ſhall be deduced and allowed accordingly, and for preventing of any Fraud or Debates about the ſame: His *Majeſty* doth further Will and Ordain, that after the ſaid Undertakers, their Servants or Aſſignes, ſhall have weighed-up, Recovered and Obtained any ſuch *Ship* or Ships, Guns, Theſaure or Goods, they or ſome of them ſhall from time to time in every ſuch caſe, furth-with give notice thereof unto his Majeſties Chief Officer of, and for the Cuſtoms in the next Port or Place within the ſaid Kingdom of *Scotland*, who from thence during the ſpace of five or ſix days, with ſuch others as he ſhall think fit, ſhall have full and free Liberty in the preſence of the ſaid Undertakers, their *Deputies* or Aſſigneys, to view and Appryſe the Things ſo recovered and obtained, and then, and there the ſaid Undertakers, their Deputies or Aſſigneys ſhall likewiſe State and Deliver to the ſaid Officer, a true Account of ſuch whole Charges thereof as aforeſaid; which Accounts ſhall for the preſent be admited, but ſubject to ſuch further Examination and Correction as herein is mentioned; And his *Majeſty* doth further Order, that the ſaid Undertakers, their Deputies or Aſſigneys, ſhall thereupon have Liberty and Election to demand of the ſaid Officer, the ſaid whole Charges, together with a full *Moiety* of the Value of the ſaid Things remaining, after the Charges are deduced, at the Rate they ſhall be ſo appryſed; and if the ſaid Officer within ſix days next after ſuch Appryſments, and Demand made, ſhall pay the ſame in Moneys to the ſaid Undertakers, their Deputies or Aſſigneys, they ſhall deliver the ſaid Things recovered to the ſaid Officer, for the uſe of his *Majeſty*, but in default of payment thereof as aforeſaid, the ſaid Appryſment ſhall not bind the ſaid Undertakers, or their Aſſigneys; And his *Majeſty* in ſuch caſe, or in default

fault of any ſuch Appryſment, doth Will and Ordain, that they the Undertakers may ſell and diſpoſe thereof in any part of the Kingdom of *England* or *Scotland* and not elſe where) for the beſt Price they can *bona fide* get, and within ten days after the Sale thereof, and their Receipt of the Money for the ſame, they ſhall anſwer and pay to his Majeſty, or for his Majeſties Behove, to his right Truſty and well beloved Couſin and Counſellor *J. V.* of *M.* Lord Secretary of State for the ſaid Kingdom of *Scotland*, or any others who ſhall be impowered by his *Majeſty*, or the ſaids Lords Commiſſioners of Exchequer for that effect, *At Gild-hall* in *London* one full *Moiety* of the real Proceed thereof, all incident Charges being firſt to them allowed and deduced; but if after ſuch Appryſments, they ſhall not demand the ſaid Money of the ſaid Officer, but ſhall elect otherways to diſpoſe of the ſaid Things ſo Recovered and Appryſed, then alſo they may proceed to ſell and diſpoſe of the ſaid Goods, in any part of *England* or *Scotland*, and not elſe where; but in ſuch caſe ſhall be ſo bound by the ſaid Appryſment, that they ſhall within ſix months after, Anſwer and Pay to his Majeſty, or for his Majeſties uſe to the ſaid *V.* of *M.* or others foreſaids, *at Gild-hall* in *London*, one full *Moiety* of the value of the things recovered, at the *Rate* they were Appryſed, the ſaid whole Charges in and about the Recovery thereof being firſt to them allowed and deduced, and ſhall retain and enjoy the Reſidue of the whole Proceed of the ſaid Goods to their own uſe; And his Majeſty ſhall and may at his pleaſure, cauſe the matter of any ſuch Charges, or Accompt of Charges to be examined, *Stated*, and finally Determined and Adjudged in his Exchequer in *Scotland*, or by the ſaid *V.* of *M.* or any other who ſhall be impowered by his *Majeſty*, or the ſaids Lords Commiſſioners of Theſaury for that effect; And whoſe Diſcharges to them ſhall be as valid and ſufficient, as if they were granted by the ſaids Lords Commiſſioners themſelves, and what ſhall be ſo *Determined* and Adjudged, ſhall in all things be performed by the ſaid Undertakers, and their Aſſigneys, provided ſuch Proceſs and final Judgement be, had and given within the ſpace of a year next after the ſaids Things ſhall be ſo recovered, or otherways the Account to be given in by the ſaid Undertakers, their *Deputies* or Aſſigneys, ſhall ſtand un-impeached, providing always the Undertakers foreſaid work upon the ſaid *Armado-Ship*, once every two years at leaſt (Wars and Commotions being excepted) of which, if they ſhall faill, this Gift of it ſelf ſhall become void without any further Declaration or Revocation whatſoever, the Undertakers being ſtill lyable as aforeſaid for any thing formerly recovered by them, and not accounted for as above. And his *Majeſty* Ordains the ſaid Letter or *Patent* to be extended in moſt ample Form, with all Clauſes needful. *Given at.*

GIFT to Kenneth *Earl of* Seaforth, *of the bygone Feu-duties of the* Lewes.

OUR SOVERAIGN LORD for ſeveral weighty Conſiderations, moving his Majeſty to the effect under-written, being willing to confer a Mark of his Royal Favour and Bounty on his Majeſties right Truſty and well beloved Couſin K. E. *of S. Lord M. and K. Therefore his Majeſty with Advice and Conſent of* (here inſert the Conſents according to the Conſtitution for the time, and then ſay) *Ordains a Letter to be made, and paſt under his Majeſties Privy Seal, in due and competent Form; Givand, Grantand, and Diſponand, likeas, his Majeſty with advice and Conſent foreſaid, hereby gives, grants and diſpones to the ſaid* K. E. *of S,* &c. *and his Heirs and Aſſigneys, the Feu-duties due and payable by the ſaid* K. E. *of S,* &c. *and his Predeceſſors to his Majeſty, furth of the Lands and Barrony of the Lewes, extending to* 3000 *Merks yearly, and that of*

all years and terms bygone, resting, owing unpayed since the year 1674, *to the year of God* 1680 *inclusive, being the space of six years, with all Right and Title his Majesty has, or may pretend thereto:* With full Power *to the said* K. E. *of* S. &c. *and his foresaids, to intromet with, uplift, ask, crave & receive the said Feu-duties, the years of God above-specified; and if need beis, to conveen, call, follow and pursue therefore as accords, compone, transact and agree thereanent, and to give Discharges, whilks shall be sufficient to the Receivers, and to do all other things anent the same, as accords; Requiring hereby the Lords Commissioners of his Majesties Thesaurie, to concur with, and assist him in uplifting of the said Feu-duties, and to allow of such Discharges as shall be granted be him of the said Feu-duties, and grant Equies in Exchequer thereupon; And that the said Letter be extended in ample Form, with all Clauses requisite.* Given at

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GIFT of Usury, in favours of John Paterson *Writer in* Edinburgh.

OUR SOVERAIGN LORD, With the special Advice and Consent of (*here Insert the Consents, according to the Constitution for the Time, and then say*) Ordains an Letter to be made and past under His Majesties Privy Seal, to *J. P.* Writer in *Edinburgh*, his Heirs and Assigneys, ane or moe, of the Gift of Two Thousand *Merks Scots* Money of Principal, with the Annualrents and Penalties corresponding thereto, contained in a Bond and Obligation made and granted by the deceast Mr. *P. B.* Presenter of the *Signatures* in Exchequer, and *W. B.* his eldest lawful *Son*, to *P. D.* in *Aytoun-Old-miln*, and the deceast *J. B.* his Spouse, bearing date the —— day of —— years, now pertaining to Our said *Soveraign* Lord, fallen and become in His Majesties Hands, and at His Highness Gift and *Disposition*, through the said *P. D.* his taking of more Annualrent for the said principal *Sum* than the Laws of this Kingdom did allow, and particularly through his taking Six for the Hundred of the foresaid Sum, betwixt the Term of *Martinmas* 167 —— years, and the Term of *Martinmas* then ensuing 167 —— years, whereas by His Majesties Laws Five for the Hundred was only ordained to be taken for that year; and through the said *P. B.* his not allowing to the said *W. B.* of that which he had taken more than Five for the Hundred in the subsequent years Annualrent, and thereby being guilty of Usury by the Laws and Acts of Parliament of this Kingdom, and of the Gift of the said Bond, haill *Sums* of *Money*, Principal, Annualrent, and Expenses therein contained, with all that has followed, or may follow thereupon; hereby Giving, Assigning & Disponing the same, and haill benefit thereof, to the said *J. P.* and his foresaids, with full Power to them to pursue Declarators against the said *P. D.* for hearing and seeing him declared to be guilty of Usury, in manner above-mentioned, as accords of the Law; and with Power likeways to the said *J. P.* to uplift and receive the Sums of *Money*, Principal, Annualrent and Expenses above-written, contained in the said Bond, from the said *W. B.* or others the Representatives of the said Mr. P. and upon the Receipt of the same, in haill or in part, Acquittances and Discharges, to make, grant, subscribe and deliver, and if need beis, to call and pursue therefore, as accords, and to do all other things requisite and necessar anent the Premisses, freely, quietly, well and in peace, but any Revocation, *&c.* And that the said Gift be farder extended, with all Clauses necessar. *Given at*

This Gift *was rejected in the Inner-house by the* Lords *solemn Sentence* in præsentia, *upon these Grounds,* 1. *The Donatar acknowledged his Name was only borrowed for the Debitors behoove.* 2. *After tryal, it was*

was found, the Debitor cauſed draw the Diſcharge at Edinburgh, *and ſent it to the* Mers, *with the* 80 lib. *which was the years Annualrent, without taking off the years Retention, which was One* per Cent. *and ſo of deſign to bring the poor Man under the compaſs of Uſury; but the* Lords *Ordained the Sixth* Part *to be allowed in the next years Annualrent,* & bene judicatum.

GIFT of the Office of His Majeſties Geographer for His Kingdom of Scotland, *to Sir* Robert Sibbald *Doctor of* Medicine.

OUR *SOVERAIGN LORD* Taking into his Royal Conſideration, that there is in His ancient Kingdom of *Scotland*, abundance of rare and uſeful Plants, and of Animals Four-footed, Fowls, Fiſhes and Inſects, and of Minerals and *Me*ttals, and of Suſtances found in and caſt up by the Sea, which if they were known, and their Nature, vertues and uſes, might conduce very much for the Improvment of ſeveral Arts and Trades, and might much Advance the Sciences of Medicine and Natural Hiſtory, which are ſo neceſſary for Conſervation of His *Ma*jeſties Leidges; And Conſidering, that it might (in proceſs of Time) Tend to the Enriching of His ſaid Kingdom, by keeping in the Money, which is ſent Abroad, (the greateſt part of thoſe Simples that are much uſed, being to be found at Home,) and by the Employing of ſeveral of his Subjects, in the ſearch, recovery and preparation of them, being ſo many (eſpecially *Mi*nerals, *Me*tals and Animals) as may well anſwer thoſe ends, and they may likewiſe be afforded at much eaſier Rates than they can be Imported for; And His *Ma*jeſty conſidering, that the beſt expedient for the diſcovery and improvement of them for thoſe uſes, is the Publiſhing a *Natural Hiſtory* of them, which may give an Account of the Places where they are to be found, the way they are to be diſcovered, the manner how they are to be prepared, and to explain the Nature, Vertues and Uſes of them; and conſidering likewiſe, that it is for his honour and glory, and of great uſe for his ſaid Kingdom, that a juſt and full Deſcription be given of the ancient *Mo*numents of the ſaid Kingdom, and of the Sheriffdoms, Royal-Burrows, Towns, Rivers, Firths, Bays, Ports, Roads, Lochs, and of his Caſtles and Forts, the Houſes of his Nobility and Gentry, and of what elſe is obſervable in the ſaid Kingdom; And his *Ma*jeſty being well informed of the Integrity, Loyalty, Learning and fit Qualifications of his Truſty and Well-beloved *S. R. S.* Doctor of *Me*dicine, and of the Loyalty and Sufferings of his Father and other Relations, for adhering conſtantly to His *Ma*jeſties Royal Fathers Service; and that after he had improved himſelf by his Sudies, in the moſt famous Univerſities at Home and Abroad, and by ſeveral years Travel in the places of *Europe* moſt famous for Learning, and the Liberal Arts, he hath now (out of his Affection to his *Ma*jeſties Service) theſe Twenty years paſt, made it his Work to inform himſelf of all that relateth to the *Natural Hiſtory* of the ſaid Kingdom, and of the Antiquities and Curioſities obſervable therein, and hath with much Pains and Experience formed a *Natural Hiſtory* thereof, and Deſcriptions both of the *Scotia Antiqua & Scotia Moderna*, where the ancient Monuments, Inſcriptions, and Plans of Camps are ſet down, and ſeveral Maps of the Shires, never deſigned before, are exactly done, their Bays and Ports diſtinctly marked; as likewiſe, hath cauſed to be deſigned, and cut in Copper-Plates, the Figures of ſuch Subjects of *Natural Hiſtory*, as either were never done before, or not right done; and hath made juſt and full Deſcriptions of them, and explaineth the Nature, Vertues and Uſes of all the Simples found in *Scotland*, with the ways how they may be employed for the advancement

of *Sciences*, Arts and Trades, and for the *Profite* and Benefite of the Leidges; *Therefore* His Majeſty of His own proper motive and Inclination, and out of His Care and Tenderneſs, for the Well of His ſaid Kingdom, and Princely Affection to all kind of Learning, and more particularly to the *Study* of Medecine, and *Natural Hiſtory*, by which ſuch great Advantages may redound to him and his *Subjects*; Ordaineth a Letter to be made, and paſt under the *Privy Seal* of His ſaid *Kingdom*, Nominating, Conſtituting and Ordaining; likeas his Majeſty by theſe preſents, Nominats, Conſtitutes and Ordains the ſaid *S. R. S.* Doctor of Medecine, to be His *Geographer* for the ſaid *Kingdom*, during all the days of His Life, giving, granting, and beſtowing the ſaid Office of *Geographer*, to, and upon him, to be poſſeſſed and enjoyed by him fully and freely in all Reſpects and Conditions, with all the Profits, Benefites, Priviledges, Liberties, Immunities, and all the Caſualities whatſoever due to the ſaid Office, or that ſhall hereafter be known to pertain or belong thereunto, with full Power and Authority to make the Maps and Deſcriptions of the ſeveral Shires of the ſaid Kingdom, and of the Kingdom in general, Firths, Bayes and Rivers thereof, and of the Royal Burghs, Towns, *Caſtles* and Forts, and of the Houſes of the Nobility and Gentry, of the *Monuments*, and whatelſe is obſervable therein, and to write the *Natural Hiſtory* and Deſcription of all the Natural Products of the ſaid Kingdom, the Nature, Vertue and Uſes, and to exerce all Acts belonging to His *Majeſties* Geographer, and enjoy all the Honours due to him as ſuch, and eſpecially Commanding and Ordaining the ſaid *S. R. S.* to publiſh his ſaid Deſcriptions, both of the *Scotia antiqua & Moderna*, and of the *Natural Hiſtory* of the Products of the ſaid *Kingdom* of *Scotland*, with full Liberty and Priviledge to the ſaid S. R. *S.* to Print them either in the *Latine* or the *Engliſh-Tongue*, or both, and in what Form he pleaſeth, the whole or the Prodromus, or any parts of them, and to make uſe of what Printer or Printers he pleaſeth, with Prohibition to all other Printers in his *Majeſties* Dominions of *Scotland*, under the uſual *Pains* to print for the ſpace of Ten years after the date hereof, in any form or Language the whole, or any part of them, without the Conſent and Allowance of the ſaid *S. R.* S. And His *Majeſty* Ordains the ſaid Letter to be furder extended, in the beſt Form, with all Clauſes needful. *Given at the Court at* White-hall *the* 30 *day of* September 1682. *and of His Majeſties Reign the* 34 *year.*

WARRAND for a Grft of the Wards &c. *from the* 1 Auguſt 1694. *and in time coming, until payed of* 8000 *Pound* Sterling, *in favours of* James *Earl of* Perth, *Lord high Chancellor of* Scotland.

OUR SOVERAIGN LORD Conſidering the ſmall Advantage his Majeſty has by the Caſualities belonging unto him, out of the Lands Holden of his Majeſty for himſelf as *King*, or as Prince and *Stewart* of *Scotland* Ward, Simple or Taxt, or Feu with the *Marriage*, or by the *Non*-entry of Vaſſals, holding their Lands Ward, or Blench, or Feu; And withal conſidering the faithful Services done by his Majeſties right Truſty, and right well beloved Couſin and Counſellor, *J. E* of *P. D. D.* of *Stobhall*, high Chancellor of his Majeſties ſaid Kingdom, to his *Majeſty* and his moſt intirely beloved Royal Brother King *Charles* the ſecond, of ever bleſſed Memory, and the eminent Loyalty, and Signal Services of the Family of *Perth*; *Therefore* our ſaid Soveraign Lord, with the Advice and Conſent of his Majeſties right Truſty and right well beloved Couſins and Counſellors *W. D.* of *Q.* Preſident of his *Majeſties* Privy Council of the ſaid Kingdom, *J. M.* of *A.* Lord Privy Seal. *W. D.*

D. of *H. G. V. of T.* and of his Majeſties right Truſty Counſellor Lieutenant-General *W. D.* of *C.* Commiſſioners of his Majeſties Theſaury, and of the remanent Lords, and others Commiſſioners of his Majeſties Exchequer; *Ordains* a Letter of Gift to be paſt and expede under his Majeſties Privy Seal of the ſaid *Kingdom*, *Giving*, granting and diſponing, and by the Tenor hereof, his Majeſty gives, grants and diſpones, to, and in favours of the ſaid *J. E.* of *P.* his Heirs and Aſſigneys, (ſecluding his Executors) the hail Wards and *Marriages*, whether ſimple or Taxt, that have fallen in the Hands of his Majeſty, or his Royal Brother aforeſaid ſince the firſt day of *Auguſt* 1674, or ſhall fall in his Majeſties hands in time-coming, until the ſaid Earl and his foreſaids ſhall be fully ſatisfied and payed of the Sum after-mentioned, free of all Charges and Expenſes) by the Deceaſe in that time of any of his *Majeſties* Vaſſals, holding their Lands either ſimple-Ward, or Taxt-Ward, or Feu with the Marriage of our ſaid Soveraign Lord for himſelf as King, or as Prince and Stewart of *Scotland*; And that whenſoever the perſons are marriageable, whoſe Marriages ſhall fall within the time aforeſaid, together with all other Caſualities, Benefices, Sums of Money, and other Advantages that have been due, or ſhall become due, or appertain to his *Majeſty*, in the ſame manner, and als freely as uſes to belong to his Majeſtie, or any of his Donators of Wairds and Marriages, or as if the ſaid *J. E.* of *P.* had obtained particular Gifts of the ſaids Wards and *Marriages* after the ſame did fall. *With Power* to the ſaid *J. E.* of *P.* and his foreſaids, to Compone, Tranſact and Agree thereanent, or otherways to intromet with, uplift and receive the hail Rents, *Benefits* and Caſualities of the ſaids Wards and Marriages during all the time that the ſame ſhall be due, ay and while the Heirs ſhall attain to perfect Age, in the ſame manner, and as ample as any other Donator of Wards and *Marriages* uſes to do in the like caſes, or as his Majeſty might have done before the making hereof. *And likeways*, our ſaid Soveraign Lord, gives, grants and diſpones to the ſaid *J. E.* of *P.* and his foreſaids, the whole None-entries due ſince the ſaid firſt day of *Auguſt* 1674 —— years, or that ſhall be due as aforeſaid, of Vaſſals holding Lands of his *Majeſty*, as King or as *Prince* and Stewart of *Scotland*, either ſimple or Taxt-Ward, or Blench, or Feu within the time aforeſaid; and hereby Impowers the ſaid *J. E.* of P. his Heirs and Aſſigneys, to uplift the hail Benefite and Sums of Money ariſing from Wards, whether ſimple or Taxt, Marriages or Non-entries as ſaid is, from theſe who are lyable for the ſame, or from any perſon appointed, or that ſhall be appointed by his Majeſty for Collecting thereof, and to imploy and apply the ſame to his own proper uſe, without making any other Account thereof further than as is after-mentioned: *Requiring* hereby all perſons lyable, or the Collector appointed, or who ſhall be appointed for uplifting thereof, to make payment of the ſame to the ſaid *J. E.* of *P.* and his foreſaids, whoſe Receipt thereupon ſhall be a ſufficient Exoneration to all perſons lyable, and to the Collector preſent, or for the time being; Ordaining alſo hereby the Auditors of his *Majeſties* Accompts to allow the ſame, and the Commiſſioners of his Majeſties Theſaury, and remanent Lords and others Commiſſioners of Exchequer, to record theſe preſents in the Books of Exchequer; And it is hereby expreſly *Declared*, that all Wards, Marriages and Nonentries, before the date of theſe preſents, gifted by His Majeſty to ane other perſon, and already componded in Exchequer, are excepted from this Gift; and it is likeways provided and declared hereby, that the ſaid *J. E.* of *P.* and his foreſaids, being ſatisfied and payed of the Sum of —— *lib. ſterling* Money, free of all Charges and Expenſes; This Gift ſhall from thence-forth become void and null, and to the end it may be known and inſtructed when the ſaids Sums ſhall be ſo payed to him: His *Majeſty* hereby Ordains and Appoints all Compoſitions and Agreements that ſhall

happen to follow hereupon to be made in the preſence, and at the ſight of the ſaids Lords Commiſſioners of His *Majeſties* Theſaury, or any one of them, or any other that ſhall be appointed by his Majeſty for that effect; And likeways an Accompt to be made by the ſaid *E.* and his foreſaids in Exchequer, of all Rents, Benefits and Caſualities that ſhall happen to be intrometted with, uplifted and received by him or his foreſaids, when the perſons concerned in the Wards, and others above-mentioned ſhall refuſe to agree and compone for the ſame, to the effect it may be known when he is ſatisfied, as ſaid is: And His *Majeſty* in like manner hereby Ordains, and Requires all His Miniſters and Officers whom it effeirs, to be aiding and aſſiſting to the ſaid *E.* of P. and his foreſaids, for the moſt ſpeedy payment and in-bringing to him of the Compoſitions to be made as ſaid is, until the ſum of —— *lib. ſterling* Money, free of all Charges and Expenſes as ſaid is, ſhall fully be made effectual, or payed to him or them. *And laſtly*, His Majeſty Ordains the ſaid Letter of Gift to be furder extended, in the moſt ample and beſt Form, with all Clauſes needful, for which theſe preſents ſhall be to all perſons reſpectively, who may be thereby any ways concerned ſufficient Warrand. *Given at the Court at* White-hall *the* 16 *day of* April 1686, *and of His Majeſties Reign the ſecond year.*

WARRAND for a Commiſſion to uplift the former Rents, and Caſualities, in favours of *G. D.* of *B.* Deput-Keeper of the *S*ignet.

OUR SOVERAIGN LORD *Conſidering, that the Taxt-Duties of Marriages converted from ſimple to Taxt-Wards, and the Avails of all other Marriages of ſimple Ward-Lands, and Lands holding Feu with the Marriage, and the yearly Rents and Duties of the ſame Lands during the Ward and Non-enterie, have not been uplifted, charged for, nor proſecute, or collected, notwithſtanding of his Majeſties unqueſtionable Right to the ſame; And his* Majeſty *having (upon divers Conſiderations moving him thereto) granted V Warrand and full Power to* J. E. *of* P. *Lord high Chancellor of his Ancient Kingdom of* Scotland, *to Collect and uplift the ſaids Wards, and to apply the ſame to his own behove, ay and till he be fully payed and ſatisfied of the Sum of* —— libs. ſterling; *and in regaird the Collection of the ſaid Wards will be both troubleſome and painful, and will require the Abilities and Qualifications of one that is well acquainted with the Affairs of the Kingdom; And our ſaid Soveraign Lord being informed of the Abilities and Qualifications of* G. D. *of* B. *Deput Keeper of his Majeſties Signet, under the Viſcount of* M. *and how uſeful he may be for the Managing and In-bringing that part of his Majeſties Revenue*: Therefore *his Majeſty Ordains a Commiſſion to be paſt and expede under the* Privy Seal *of his Ancient Kingdom of* Scotland, *in due Form, giving, granting and diſponing, as by theſe preſents his Majeſty gives, grants and commits to the ſaid* G. D. *full power warrand, Order and Commiſſion, (which ſhall continue ay and while his Majeſty ſhall think fit to diſcharge the ſame in under his Royal Hand) to Proſecute, Purſue, Collect and Uplift all Taxt-Ward-duties, Non-entries of Simple or Taxt* Ward *Lands with the Reliefs thereof, and Taxt Avails of Marriages, and the Avails of Marriages not taxed, whether of Simple* Ward *Lands, or of Lands holding Feu, with the Marriages that hath fallen in the hands of his Majeſty, or in the hands of his deareſt* Brother *King* Charles *the ſecond (of bleſſed memory) for themſelves, as Kings, or as Princes and Stewarts of* Scotland, *of all years and Terms bygone, ſince the firſt day of —— in the year* 1674 —— *years, and in time coming, during the whole ſpace above-mentioned, ay and while his* Majeſty *ſhal think fit to diſcharge theſe Preſents, which have not been particularly compted for, and payed; and whereof his* Majeſty *or his Royal Brother have not given particular*

cular Gifts and Grants before the date hereof, with Power alſo to the ſaid G. D. *to call and purſue therefore before whatſomever Judges competent, and to uſe all manner of Legal Diligence uſual and allowable for recovering* Payment *thereof, and to grant Diſcharges upon the Receipt of the ſame, which ſhall be ſufficient to the Receivers, and generally all other things anent the Premiſſes, to do, uſe and exerce, which any other perſon commiſſionat by his* Majeſty *to the effect above-ſpecified have done, or may lawfully do, the ſaid* G. D. *being alwiſe holden to compt for what ſhal be intrometted with and recovered by vertue of this Commiſſion, to the Commiſſioners of his Majeſty Theaſury, or to any others, as his Majeſty has given, or ſhall give Orders. And likewiſe, Our ſaid Soveraign Lord for the ſaid* G. D. *his further Encouragement in the Proſecution hereof, has allowed, and by thir preſents allows a fifth part of what he ſhall recover and compt for, by vertue of this Commiſſion for his pains in uplifting of the ſame; And His Majeſty Wills and* Requires *the ſaid Lords Commiſſioners of His* Majeſties *Theſaury, or others to whom the ſaid* G. D. *is, or ſhall be appointed to compt, to allow the ſame to him in the firſt end thereof, together with his neceſſary Charges in recovering of the ſame: And in like manner, Wills and* Requires *the Lords of Council and Seſſion, Lords and other Commisſioners of* Exchequer, *to give out Letters of Horning, for charging all perſons having Intereſt, at the Inſtance of the ſaid* G. D. *for the due proſecution hereof, and that the ſaid Commisſion be furder extended in the beſt Form, with all Clauſes needful.* Given at the Court at *White-hall* the 26 day of *April* 1686, and of His *M*ajeſties Reign the ſecond year.

WARRAND for a Gift of the concealed Feu and Blench Duties to the Lord high Chancellor, until he ſhall be payed of 8000 *Pound* Sterling, *mentioned in his former Gift of Wards.*

OUR *SOVERAIGN LORD* taking to his Royal Conſideration, that by a Gift under His Majeſties Privy Seal of his Ancient Kingdom of *Scotland*, of the date the 16 day of *April* 1686 years; His Majeſty gave, granted and diſponed to his right Truſtie and right well beloved Couſin and Counſellor *J. E* of *P.* Lord high Chancellor of the foreſaid Kingdom, his Heirs and Aſſigneys (ſecluding his Executors) the haill Wards and Marriages, whether ſimple or Taxt, that have fallen in the Hands of His Majeſty, or His Royal Brother for themſelves as Kings, or as Princes and Stewarts of *Scotland*, ſince the firſt day of —— 1674 years, or which ſhould fall thereafter, until the ſaids *E.* and his foreſaids were fully ſatisfied and payed of the ſum of —— *lib. ſterling*, free of all Charges and Expenſes, together with the haill None-entries of Vaſſals holding Lands ſimple, or Taxt-Ward, Blench, or Feu within the time aforeſaid, as in the ſaid Gift at more length is expreſſed; And His *M*ajeſty likeways conſidering, that the Wards, *M*arriages, and None-Entries, being *C*aſual and Contingent, are often times not known when they fall, and when they are known, there is much time ſpent by Proceſs of long dependance for recovering thereof, ſo that the Favour intended by His Majeſty to the ſaid *E.* of *P.* cannot be effectual for a long time; And his Majeſty being informed, that the Blench and Feu-duties of divers Lands due to His *M*ajeſty for himſelf as King, and as Prince and Stewart of *Scotland* have been concealed, and not in uſe for ſeveral years to be payed in to his *M*ajeſties Exchequer, nor entered in the ordinary Rolls of His Majeſties Rents, through the Negligence or Ignorance of Chamberlanes, and others imployed for uplifting and receiving the ſame; And it being for his Majeſties Intereſt, and an Addition to his Revenue, that the ſame be diſcovered and uplifted by Diligence,

ſo that in time coming there may be left no Colour of Pretence, either to theſe who are lyable in payment thereof, or for the Negligence of ſuch, as are or ſhall be appointed by His *Majeſty* to uplift the ſame: *Therefore* our ſaid Soveraign Lord, with Advice and Conſent of His *Majeſties* right Truſty, familiar and well beloved Couſins and Counſellors *J. M.* of *A.* Lord Privy Seal of the foreſaid Kingdom, *W. D.* of *H. G. D.* of *G. J. E.* of *T. C. E.* of *B. G. V.* of *T.* and *W. V.* of *S.* Commiſſioners of His Majeſties Theſaury, Comptrollry and Theſaury of His Majeſties New Augmentations, and of the remanent Lords and others of His Majeſties Exchequer of the foreſaid Kingdom, His Majeſties Commiſſioners Ordains a Letter to be paſt, and expede under his Majeſties Privy Seal of the foreſaid *Kingdom* of *Scotland*, Commanding and Requiring all Feu and Blench *Duties* due to His Majeſty by any of his Vaſſals and Feuers, or others lyable in payment thereof, which have not been uplifted and compted for in His Majeſties Exchequer, and are not rolled in the Rentals of His *Majeſties* Rents, nor in uſe to be payed for the year 168 —— years and preceedings, to be uplifted and called in with all Diligence, by His Majeſties Chamberlanes, Receivers, and others appointed, or who ſhall be appointed to uplift the ſame, and which Feu and *Blench-Duties* being recovered; His Majeſty now as then, and then as now, with Advice and Conſent foreſaid, Gives, grants, Aſſigns and Diſpones the ſame to the ſaid *J. E.* of P. his Heirs or Aſſigneys (ſecluding his Executors) with power to the ſaid *J. E.* of *P.* and his foreſaids, to Ask, Crave, Intromet with, and uplift the foreſaid Feu Duties, Blench-Duties, and other Duties hereby gifted, aſſigned and diſponed for the year 168 —— years, and Preceedings, from the Receivers preſently nominated by His *Majeſty*, or any other who ſhall be inſtructed for that effect, and to diſpone thereupon at their pleaſure, without making any Accompt thereof further than as is after-mentioned; Requiring hereby the *Receivers* of His *Majeſties Rents*, preſent, or for the time-being, to make payment of the ſame to the ſaid *J. E.* of *P.* and his foreſaids, whoſe *Receipt* thereupon ſhall be a ſufficient Exoneration to them: Ordaining alſo hereby the Auditors of His Majeſties Accompts to allow the ſame, and the Commiſſioners of His *Majeſties* Theſaury, and remanent Lords and other Commiſſioners of His Majeſties Exchequer, to record theſe preſents in the Books of Exchequer, providing always, likeas, it is hereby provided and declared, that the ſaid *J. E.* of *P.* and his foreſaids, being ſatisfied and payed of the ſaid *Sum* of ——— *ſterling*, free of all *Charges* and *Expenſes*, either by vertue of this Gift, or by vertue of the former Gift above-mentioned of the Wards and None-Entries: Then, and in that caſe both this and the former Gift ſhall from thence furth become void and null, and to the end it may be known and inſtructed when the ſaid Sum ſhall be payed to him; His Majeſty hereby Ordains and Appoints a particular Book or Roll to be kept in Exchequer, wherein is to be *Recorded* what ſhall be payed to the ſaid Lord *Chancellor*, by vertue of this preſent Gift of free Money, to the effect it may be known when the foreſaid *Sum* is ſatisfied, as ſaid is; And in like manner, His Majeſty hereby requires all his Miniſters and Officers whom it concerns, to be aiding and aſſiſting to the ſaid *E.* of *P.* and his foreſaids, for the ſpeedy payment and In-bringing of the Sums contained in this Gift, until the ſaid Sum of —— *ſterling*, free of all *Charges* and Expenſes as ſaid is, be made effectual, or payed to him or them; And His Majeſty hereby Revocks and Annulls ſo much of any former Letters, Orders or Inſtructions directed to the Lords *Commiſſioners* of the Theſaury, or any other perſon or perſons whatſoever, as may militat againſt, or any ways be prejudicial to this his Gift: And Ordains the foreſaid Letter to be further extended, in the beſt Form, with all *Clauſes* needful. *Given at the Court at* White-hall *the* 29 *day of* January 1686, *and of His Majeſties Reign the* 2 *year.*

COM-

COMMISSION *G.D.* of *B.* Ratifying his former Commiſſion, with a new Commiſſion to receive and uplift the Non-entries of Lands holden Blenſh or Feu, with the Non-entry of Annualrents.

OUR SOVERAIGN LORD *Conſidering the good and faithful Service done and performed to His Highneſs by* G.D. *of* B. *in diſcovering and purſuing the Caſualities under-written, whereof formerly ſmall benefit did ariſe to his Majeſty, and which by his Induſtry, are reduced to more in a ſhort time than his Highneſs could have expected: Therefore* Ordains *an Letter to be paſt and expede his Highneſs Privy Seal in due form, not only Ratifying the former Commiſſion granted by his Majeſty to the ſaid* G.D. *dated the* 16 *day of* Auguſt 1686 *years, for purſuing and uplifting all Taxt-Ward Duties and None-entries of ſimple and Taxt-Ward Lands, with the Reliefs thereof, and Taxt-Avails of Marriages, and the Avails of Marriages not Taxt, whether of ſimple Ward-Lands, or of Lands holding Feu with the* Marriages, *that hath fallen in his Highneſs Hands, or in the Hands of his deceaſt Brother King* Charles *the ſecond (of ever bleſſed memory,) for themſelves as Kings, or as Princes and Stewarts of* Scotland, *of all Years and Terms ſince the* 1 *day of* Auguſt 1674 *years, and in time-coming during the ſpace therein-mentioned, which hath not been particularly compted for and payed, or gifted by his Highneſs or deceaſt Brother before the date of the ſaid Commiſſion, which his Highneſs is yet reſolved to continue, till the ſame be recalled by a Writ under his Royal Hand; but alſo Giving, Granting and Committing to the ſaid* G.D. *full Power, Warrand and Commiſſion (which ſhall continue ay and while his Majeſty ſhall think fit to diſcharge the ſame) to proſecute, purſue, collect and uplift all Non-entries of Lands, which hath fallen in his Highneſs Hands, or in the Hands of his ſaid deceaſt Brother, of all years and terms by-gone ſince the ſaid* 1 *day of* Auguſt 1674 *years, by deceaſe (in the ſaid time) of any of his Higneſs Vaſſals, holding their Lands of his Majeſty, or his ſaid deceaſt Brother, as Kings, Princes, or Stewarts of* Scotland, *in Blenſh or Feu-farm, together with the Non-entry of all Annualrents fallen due to his Highneſs during the ſaid ſpace, by deceaſe (in the ſaid time,) of any Vaſſals holding Annualrents of his Majeſty, or his ſaid deceaſt Royal Brother, as Kings, Princes, or Stewarts foreſaids, (the Non-entry of Lands or Annualrents holden of his Highneſs by the Forfaulture of the immediat Vaſſals not being excepted) and in time-coming during the ſpace above-mentioned, and ay and while thir preſents be diſcharged as ſaid is, which hath not been particularly compted for and payed, or gifted by his Highneſs or his ſaid deceaſt Royal Brother, before the date hereof; with full Power to the ſaid* G.D. *to call, follow and purſue therefore, before whatſomever Judges competent, and to uſe all manner of Legal Diligence uſual and allowable for recovering payment thereof, and to grant Diſcharges upon Receipt of the ſame, which will be ſufficient to the Receivers; and generally all and ſundry other things to exerce, which any other perſon Commiſſionat by his Highneſs, to the effect above-ſpecified, hath done, or lawfully may do; the ſaid* G.D. *being always holden to compt for what he intromitted with or recovered by vertue of this or the former Commiſſion, to the Lords Commiſſioners of his Highneſs Theſaury, or to any others his Majeſty hath given or ſhall give Orders for Auditing the ſaid Accompts; out of which, his Majeſty for the ſaid* G.D. *his farder Encouragment in the proſecution hereof, hath allowed, and hereby allows the fifth part for his Pains in uplifting the ſame, willing and requiring the ſaids Lords Commiſſioners of his Majeſties Theſaury or others, to whom the ſaid* G.D. *is, or ſhall be appointed to compt, to allow the ſame to him in the firſt end thereof, together with his neceſſary Charges in recovering the ſame, the Remainder always (after Deduction of the ſaid fifth*

part and neceſſar Expenſes foreſaid) being allowed to J. E. *of* P. *Lord high Chancellor, till he be payed of the Sum of* —— Sterling, *which his Highneſs has been graciouſly pleaſed to grant to him furth of the ſaid Caſualities, & by-gone concealed Feu and Blenſh-Duties, conform to his Gifts thereof; and that the ſaid Letter contain an Clauſe ratifying all Diſcharges, not only of the Caſualities fallen under the compaſs of the former Commiſſion granted by the ſaid* G.D. *but alſo all former Diſcharges ſince the date of the Lord Chancellors firſt Gift of the Wards,* &c. *granted by the ſaid* G.D. *as having Warrand from him for uplifting of the Non-entry-duties contained in his Commiſſion, which his Highneſs ordains to be compted for in manner foreſaid, and the ſaid* G.D. *to have the Allowance above-written; For all which, thir preſents ſhall be a ſufficient Warrand: And His Highneſs Wills and Requires, the Lords of Council and Seſſion, Lords and others Commiſſioners of Exchequer, to direct furth Letters of Horning, for charging all perſons having Intereſt, at the inſtance of the ſaid* G.D. *in proſecution hereof; and his Majeſties Advocat and Solicitor to give their ready advice and concourſe herein, as they will be anſwerable.* Given at the Court at *White-hall*, the 8th day of *November* 1687, and of his Majeſties Reign the 3d year.

GIFT and Aſſignation of an Fine, in favours of R.V. *of* P.

OUR SOVERAIGN LORD Conſidering the conſtant Loyalty of his Majeſties Right Truſty and Well-beloved Couſin *R.V.* of P. and his Zeal and Affection to his *Majeſties* Royal Perſon and Service upon all occaſions: Therefore Our ſaid *Soveraign* Lord, with Advice and Conſent of his Majeſties Right Truſty Familiar and Well-beloved Couſins and Counſellors *J.E.* of P. Lord High Chancellor of his *Majeſties* Kingdom of *Scotland*, *I. M.* of *A.* Lord Privy Seal, *W. D.* of *H. G. D.* of *G. J. E.* of *T. C. E.* of *B. G.V.* of *T.* and *W.V.* of *S.* Commiſſioners of his *Majeſties* Theſaury, Comptrollery, Collectory, and Theſaury of his Majeſties New Augmentations, and of the remanent Lords and others of his Majeſties Exchequer of the ſaid Kingdom of *Scotland*; His Majeſties Commiſſioners *Ordains* an *Letter* to be paſt and expede under his *Majeſties* Privy Seal in due form, to the ſaid *R.V.* of *P.* his Heirs or Aſſigneys, one or moe, Giving, Granting, Aſſigning and Diſponing, and by the Tenor hereof, his Majeſty with Advice and Conſent foreſaid, gives, grants, aſſigns and diſpones to the ſaid *R.V.* of *P.* and his foreſaids, the Sum of —— lib. *Scots* Money, being the Fine Impoſed by the Commiſſioners of the Privy Council and Juſticiary, upon *A.B* of *L.* for his Irregularities, and Withdrawing from the Ordinances, conform to an Decreet pronunced by the ſaids Commiſſioners at —— upon the — day of — 16-- years, as alſo the foreſaid Decreet it ſelf, and all Diligence of Horning, Poynding, Arreſtment, Caption, Adjudication, Appryſing, and other legal diligence whatſomever, that hath followed thereon, with all that ſhall follow upon the ſamen, and that in ſo far as the foreſaid Decreet and Diligence done thereupon may be extended againſt the ſaid *A.B.* of *L.* for his Irregularities, and which Fine doth belong to his *Majeſty*, as being ordained to be payed to his *Majeſties* Caſh-keeper, for his Majeſties uſe; with Power to the ſaid *R.V.* of *P.* and his foreſaids, to ask, crave, receive, intromet with and uplift the foreſaid Sum of —— *lib.* and to diſpoſe thereupon at his pleaſure, and to obtain Decreets thereupon, and to proſecute and follow furth all Actions already Intented at the inſtance of his Majeſties Cask-Keeper, or any others upon his Majeſties account for the ſaid Sum, and obtain Decreet therein, and generally all and ſundry other things to do anent the Premiſſes, and for recovering of the foreſaid Debt that his Majeſty or his Officers or *Miniſters* might have done themſelves, before the granting of the foreſaid

foreſaid Gift and Aſſignation; and that the foreſaid Letter be extended in the beſt Form, with all Clauſes needful. *Given at the Court at* White-hall, *the ſecond day of* February 1686, *and of his Majeſties Reign the ſecond year.*

GIFT *in favours of the Magestrats and Town-Council of the Burgh of* Elgen, *of four Pennies* Scots *of each Pint of Ale and drinking Beer, Browen, Vented and Sold within the ſaid Burgh, Colledge and Oldmylnes for ſeven years, towards the Building of a Harbour.*

OUR SOVERAIGN LORD, being exactly and well informed, that a ſafe and good Harbour may be conveniently Built and made at *Elgens-Head* (a place not above three *Miles* diſtant from His *Majeſties* Burgh of *Elgen*, within the Kingdom of *Scotland*) and that the ſamen will be very convenient and advantagious to his Majeſties *Subjects*, and all Forraigners and Strangers who ſhall happen to repair thither with *Ships* and Barks, and that the ſame may be a Mean to propagate the Trade of that his Majeſties Burgh of *Elgen*, and that the Building and Perfecting of the ſaid Harbour, will ſtand, and be ane conſiderable Expenſe, and that the Magiſtrats and Community of the ſaid Burgh of *Elgen*, are content and willing to cauſe Build the ſaid Harbour at *Elgens-heads*, and be at the Trouble and Expenſe thereof, upon His Majeſties granting to them and their *Succeſſors*, Magiſtrats, Council and Community of the ſaid Burgh of *Elgen*, an Impoſition of four Pennies *Scots* upon each *Pint* of Ale and drinking Beer that ſhall happen to be Brewed, Vented, Toped and Sold within the ſaid Burgh of *Elgen*, Colledge, and *Old-mylnes*, but prejudice always of his Majeſties Exciſe, granted to Him and His Royal Succeſſors by Act of Parliament, and annexed to the Patrimony of the Crown, and that for the ſpace of ſeven years: And His Majeſty being moſt willing and deſireous, that the ſaid Harbour be built at the Place above-named, for the uſe and behove of all his *Majeſties Subjects*, and all Forraigners and *Strangers* that ſhall happen to be imployed in Sea-fairing Trade, whoſe occaſions may lead them to that Road, and that the ſame will conduce much to the Good and Advantage and promote that His *Majeſties* Burgh of *Elgen*, *Therefore* His *Majeſty* of his Princely Power and Prerogative Royal, with Advice and Conſent of His Majeſties right Truſtie and well beloved Couſins and Counſellors, *J. E* of P. *&c.* Lord high Chancellor of *Scotland*, *W. D.* of *L. &c.* Preſident of His *Majeſties* Privy Council, *J. M.* of *A. &c.* Lord Privy Seal, *W. D.* of *H. &c. G. V.* of *T.* Lord Regiſter, and *W. D.* of *C.* Lieutenant-General of his Forces within the ſaid Kingdom, Commiſſioners, and having Power and Place of His Majeſties Theſaury, Comptrolry, and Theſaury of New Augmentations; and alſo with Advice and Conſent of the remanent Lords and others Commiſſioners of His *Majeſties* Exchequer within the ſaid Kingdom; Ordains a Letter of Gift to be paſt, and expede under the Privy Seal of that His Ancient Kingdom of *Scotland*, in favours of *G C.* preſent Provoſt of the ſaid Burgh of *Elgen*, *D. S. R. J. P. C.* and *J. W.* preſent Baillies there, *J. F.* preſent Dean of Gild, and *J.* W. preſent Theſaurer of the ſaid Burgh for themſelves, and in name of the remanent Council and Community thereof, and to their *Succeſſors* in the ſaids Offices for themſelves, and in name and behalf of the ſaid remanent Council and Community of the ſaid Burgh; Giving, granting and diſponing: Likeas, his Majeſty for Him and His Royal *Succeſſors* (of his certain *Knowledge* and proper Motive out of his Royal Bounty and Favour) gives, grants and diſpones to the ſaid *G. C.* preſent Provoſt of the ſaid Burgh of *Elgen*, *D. S. R. J. P. C.* and *J. W.* pre-

ſent Baillies there, *J. F.* preſent Dean of Gild, and *J. W.* preſent Theſaurer of the ſaid Burgh, and their Succeſſors in the ſaids Offices for themſelves, and in name of the remanent Council and Community of the ſaid Burgh, the foreſaid Impoſition of four Pennies *Scots* Money upon each Pint of Ale and drinking Beer, that ſhall happen to be Brewed, Vented, and ſold within the ſaid Burgh of *Elgin*, *Colledge*, and *Old-milns*, and that for the ſpace of ſeven years next after the date hereof; With His Majeſties Royal and Special Command to all and ſundry Perſons, Brewers, Ventners, Tapers, and Sellers of Ale and drinking Beer, within the ſaid Burgh, Colledge and Old-milns, to readily Anſwer, Obey, and make timeous and thankful payment to the ſaid Magiſtrats of the ſaid Burgh, and their Succeſſors in the ſaids Offices, for themſelves, and in name of the remanent Council and Community of the ſaid Burgh, and their Factors and Collector, and others to be appointed by them, of the ſaid Impoſition of four Pennies *Scots* upon each Pint of Ale and drinking Beer to be Brewed, Vented, Topped and ſold within the ſaids Bounds, during the ſpace foreſaid. *With Power* to the ſaids Magiſtrats and their Succeſſors (Magiſtrats of the ſaid Burgh) to Call, Conveen and purſue all perſons lyable for the ſame before themſelves, and to take (if need beis) their Oaths thereanent, Decreets againſt them to pronunce, and the ſame to Execution cauſe be put, and Diſcharges thereof to grant, but prejudice always of His Majeſties Exciſe within the ſaid Bounds, as is above-mentioned. And that the ſaid Letter of Gift be furder extended, with all Clauſes requiſite and needful. *Given at the Court at* Windſor *the ſeventh day of* Auguſt 1686, *and of His Majeſties Reign the ſecond year.*

WARRAND for an Glft of Eſcheat, in favours of *W.* late E. of *T.* being of his own Movable and Perſonal Eſtate, fallen in his Majeſties Hand by Forfaulture.

OUR SOVERAIGN LORD *Ordains an Letter to be paſt and expede under the Privy Seal of his Majeſties ancient Kingdom of* Scotland, *in due Form*; Mentioning, *that foraſmuch as his Majeſty conſidering, that the ſeaſonable and ingenuous diſcovery of the late horrid Conſpiracy made by* W. *late* E. of T. *and his free and ingenuous Confeſſion and Acknowledgment of his Acceſſion thereto, for which he threw himſelf on his* Majeſties *Mercy, was good and acceptable Service done to the Crown and Government; and alſo calling to mind, that the* Miniſters *of State had thereupon given him juſt ground to hope and expect his Majeſties Grace and Favour, (both as to Life and Fortune;) and he being already ſecured of his Life, by a Pardon and Remiſſion granted by his Majeſty thereanent*; Therefore *Giving, Granting and Diſponing, likeas his Majeſty (as a further Teſtimony of his Princely Goodneſs and Bounty, of his proper Motive and certain Knowledge) with the ſpecial Advice and Conſent of his Majeſties right truſty and right well-beloved Couſin & Counſellor* J.E. *of* P. *Lord High Chancellor of the ſaid Kingdom, his Majeſties right truſty and entirely beloved Couſin and Counſellor* W.D. *of* Q. *Lord Preſident of his Majeſties Privy Council, his Majeſties right truſty and right well beloved Couſin and Counſellor* J. M. *of* A. *Lord Privy Seal, his Majeſties right truſty and well beloved Couſin and Counſellor* W.D. *of* H. *his Majeſties right truſty and well beloved Couſin and Counſellor* G. V. *of* T. *and of his* Majeſties *truſty and well beloved Counſellor* W.D. *of* C. *Lieutenant-General of all his Majeſties Forces in* Scotland, *Commiſſioners of his Majeſties Theſaury, Comptrollery and Theſaury of New Augmentations, and als with Advice and Conſent of the Lords and others of his Majeſties Exchequer of the ſaid Kingdom, his Majeſties Commiſſioners, Gives, Grants and Diſpones to and in*

favours

favours of the ſaid W. E. *of* T. *his Heirs and Aſſigneys whatſomever*, all and ſundry, *Goods, Gear, Bonds Heretable and Movable, Tacks, Debts and Sums of Money, Principal and Annualrents bygone, Mails, Farms and Duties of Lands, Acts, Contracts, Actions, Obligations, Decreets, Sentences, Aſſignations, Reverſions, Tacks, Aſſedations, Corns, Cattel, Horſe, Nolt, Sheep, Inſight, Pleniſhing, Stocking, Jewels, Gold, Silver, Coyned and Uncoyned, and all other Goods and Gear movable and immovable whatſomever, of whatſoever kind, nature or quality the ſame may be, together with all Perſonal Rights, Obligations, Minuts, Contracts, Securities, and other Perſonal Eſtate whatſomever, which pertained of before to the ſaid* W. E. *of* T. *or wherein he had or might have right, title or intereſt, and which are now fallen and become in his Majeſties Hands, and at his Highneſs Gift and Diſpoſition, by the Right and Priviledge of the Crown, Laws and Practique of this Kingdom, through the Doom and Sentence of Forfaulture given and pronounced againſt the ſaid late* E. *by the Lords Commiſſioners of his Majeſties Juſticiary, upon the —— day of —— one thouſand ſix hundred eighty years, for the Crimes of Treaſon and* Læſe Majeſtie, *contained in the Libel and Indictment raiſed and purſued againſt him thereanent; And for his further Security anent the Premiſſes, his Majeſty with Conſent foreſaid, has Aſſigned, Transferred and Diſponed, and hereby Aſſigns, Transfers and Diſpones to and in favours of the ſaid* W. *late* E. *of* T. *and his foreſaids, the forenamed haill Goods and Gear, Bonds Heretable and Movable, Debts and Sums of Money, both Principal and Annualrents, with the haill Rights and Securities granted thereanent and others above-diſponed, with all Right, Title, Intereſt and Claim of Right that his Majeſty had, hath, or can pretend thereto, by vertue of the ſaid Decreet of Forfaulture, or otherways, in time coming; and doth hereby ſurrogat and ſubſtitute the ſaid Earl and his foreſaids, in his Majeſties full right, title and place of the haill Premiſſes for ever:* And *his Majeſty with Conſent foreſaid, doth hereby declare, that the foreſaid Gift and Diſpoſition conceaved in general Terms as is above-written, is and ſhall be als valid, effectual, and ſufficient, in favours of the ſaid late* E. *of* T. *and his foreſaids, to all intents and purpoſes, as if it contained a ſpecial enumeration of all the particular Debts and Sums of Money Heretable and Movable, and others above-written, and the Security which by any ſenſe or interpretation can be comprehended or fall under the general Words above-expreſſed, whereanent his Majeſty for him and his foreſaids, with conſent above-written, hath diſpenſed, and hereby diſpenſes for ever:* And laſtly, *his Majeſty with Conſent foreſaid, Wills and Ordains, that the above-written Letter of Gift, and every Word and Clauſe therein-contained, is and ſhall be als fully and amply extended, explained and interpret in favours of the ſaid late* E. *of* T. *and his foreſaids, to the effect and intent abovementioned, as the Words themſelves, and the true ſenſe and meaning thereof can poſſibly bear & admit; with full Power to him and his foreſaids, to ask, intromet with and up-take all ſundry the ſaids Goods, Gear, Debts and Sums of Money movable and immovable, Principal and Annualrents, and others above aſſigned and diſponed, and thereupon to uſe and diſpoſe at his pleaſure, and (if need beis) to call and purſue therefore as accords, and to do every other thing elſe requiſite concerning the Premiſſes that in ſuch Caſes appertains; and that the ſaid Letter be farder extended in ample Form, with all Clauſes needful.* Given at the Court at *White-hall* the 18 day of *April* 1686, and of Majeſties Reign the 2d year.

RATIFICATION in favours of Sir J. D. *of* S. *Knight and Baronet, Preſident of the Seſſion, of the Contract paſt betwixt his Lordſhip and* P. T. *and* A. C. *his Spouſe, for Printing the Acts of Sederunt, and Deciſions of the Lords of Seſſion, and Index thereof, the Inſtitutions of the Law of Scotland firſt & ſecond Part, with the Form of Proceſs, with a Treatiſe containing four Inquiries concerning* Humane Knowledge, Natural Theologie, Morality *and* Phiſiologie.

OUR SOVERAIGN LORD Ordains a Letter to be paſt under His Majeſties Privy Seal, in due Form, bearing; That whereas, Sir *J. D.* of *S.* Preſident of the Seſſion, hath obſerved and written the Acts and Deciſions of the Lords of Seſſion ſince His Majeſties happy Reſtauration to this time, and hath alſo written the Inſtitutions of the Law of His Ancient Kingdom of *Scotland*; And His Majeſty being well ſatisfied with his Pains and Diligence therein, and knowing his long Experience and Knowledge of the Laws and Cuſtoms of that Kingdom, and his conſtant Affection and Faithfulneſs to His Majeſty, and being confident of the great Benefite may ariſe to all His Majeſties Subjects of that his ancient Kingdom, by publiſhing of the ſaids Deciſions and Inſtitutions, and being willing to give to the ſaid Sir *J.* all Incouragement therein; *Therefore* Ratifieing and Approving the Contract agreed upon betwixt the ſaid Sir *J.* and *A. C.* and *P. T. Merchant* in *Edinburgh*, now her *Spouſe*, having right to, and Exercing the Office of His Majeſties Printer in *Scotland*, for Printing of the ſaids Books, in all the Heads, Articles and Clauſes therein contained, prohibiting all others to Print the ſaids Books for the ſpace of nineteen years, without the ſpecial leave of the ſaid *S. J.* his Heirs and Succeſſors, of which Contract the Tenor follows (At *Edinburgh* the 26 day of *March* 16 foureſcore one years: It is agreed, Contracted, and finally ended betwixt the Parties following, they are to ſay, *S. J. D.* of *S. Knight* and Baronet, Preſident of the Seſſion on the ane part, and *P. T. Merchant* Burgeſs of *Edinburgh*, and *A. C.* now his Spouſe on the other part, as after follows, *viz.* The ſaid *S. J.* binds and obliges him, his Heirs and Succeſſors, to deliver to the ſaid *P.* and his ſaid Spouſe the ſeveral *Manuſcripts* under-written, or Copies thereof, to the effect the ſame may be Printed in manner after-mentioned, and that in due time, that the Preſs be not hindred, nor the ſaid Work delayed, *viz.* The Acts of *Sederunt*, and Deciſions of the Lords of Seſſion obſerved by the ſaid *S. J.* from the firſt of *June* 16 and ſixty one years till this time, by the ſpace of twenty years, together with the Index thereof, the Inſtitutions of the Law of *Scotland*, the firſt and ſecond Part, with the Form of Proceſs before the Lords of Seſſion, together with a Treatiſe containing four Inquiries concerning *Humane Knowledge*, *Natural Theologie*, *Morality and Phiſiologie*; Likeas, the ſaid *S. J.* binds and obliges him and his foreſaids, not to give Copies or Warrands to Print or Re-print any of theſe ſaids Books, to any other perſon or perſons, during the ſaid *P.* his ſaid Spouſe and their Aſſigneys, continuing and exercing the Office of His *Majeſties* Printer, with Power to them and their foreſaids to Re-print the ſaids Treatiſes, or any of them as they ſhall think fit or convenient: And upon the other Part, the ſaid *P. T.* and *A. C.* his *Spouſe*, and their Succeſſors and Aſſigneys, binds and obliges them to Print, or cauſe be Printed upon the Letter called the *Engliſh Roman*, conform to the Printed Sheet ſubſcribed by both Parties, of the date of thir preſents, and ſhall begin the printing thereof immediatly; and ſicklike the ſaid P. his ſaid *Spouſe*, and their foreſaids, binds and obliges them to Print ſix ſheet thereof every Week, ay and while the ſaids haill

Copies

Copies be perfected, the ſamen not being impeded by the preſenting of the ſaids Treatiſes, or Copies thereof, or by Correcting of the ſamen when Printed; And if there ſhould be more than ſix Sheets thereof perfected Weekly, then, and in that caſe, the ſaid *S. J.* obliges him and his foreſaids to cauſe the Correctors to be furniſhed by him, to diſpatch the ſamen whenſoever the ſamen ſhall come in their hands, and that in the mean time till the ſaids Books be fully Printed and compleated, the ſaid *P.* his ſaid Spouſe and their foreſaids, bind and oblige them, to give out no Duplicats of the ſaids Treatiſes, or any part thereof, nor ſuffer any Copies to be taken of the ſame till it be reviſed by him and his foreſaids, or by any whom the ſaid *S. J.* ſhall appoint, and to amend the ſamen accordingly; And to that effect the ſaid *P.* his ſaid Spouſe and their foreſaids, binds and obliges them to keep the written Copies, and printed Sceduls of the ſaids Treatiſes under Lock and Key, in their own Cuſtody, until the ſamen be fully printed, and that under the Pain of an Hundred *lib. ſcots* for each Copy to be payed by them and their foreſaids to the ſaid *S. J.* and his foreſaids, in caſe any written and printed Copies of the foreſaid Books, or any part thereof be found out of their Cuſtody as ſaid is; Likeas, the ſaid *P.* his ſaid Spouſe, and their foreſaids, bind and oblige them to deliver to the ſaid *S. J.* and his foreſaids, the Number of Twelve of every one of the ſaids Treatiſes, well bound in *Leather*, the one half thereof being Guilded, and that ſo ſoon as the ſamen are perfected, whenſoever he ſhal call for the ſamen, under the pain of 40 *lib. ſcots* money, as the liquidat price thereof by Conſent; And likeways the ſaid *P.* his ſaid Spouſe, and their foreſaids, bind and oblige them to make uſe of the Priviledge granted to His Majeſties Printers, and not to permit any other perſon whatſoever to incroach upon the ſaid Priviledge granted to His Majeſties Printers, nor to ſuffer any other perſons within this Kingdom or Printers therein, to make uſe of Printers abroad to Print or Reprint the ſaids Books, or any part thereof, or any Stationer, *Merchant*, or other perſon, to Sell, Vend, or Diſperſe the ſamen ſo printed by others, without the ſpecial leave and conſent of both the ſaids Parties Contracters, and their foreſaids, in Write ſubſcribed by them; And alſo, that they ſhall not ſuffer any perſon or perſons whatſoever within this Kingdom to Print or Reprint the ſaids Books, or any of them, or any part of the ſamen, or to ſell, Vend or Diſperſe them, and do hereby communicate the Benefite of the Penalties and Confiſcations that they ſhall procure upon the Contraveeners of the ſaid Priviledge in printing the ſaids Books, or any part thereof, by any other than the ſaid *P.* his ſaids Spouſe and their foreſaids, equally betwixt the ſaids Parties Contracters; And both Parties binds and obliges them to perform and fullfil the Premiſſes each of them their own parts to others, under the pain of 1000 *Merks Scots Money*, by and attour performance of the Premiſſes: And for the more ſecurity, Both the ſaids Parties are content, and conſents that thir preſents be inſert and Regiſtrat in the Books of Council and Seſſion, or in any other Judicatory Books competent, to have the Strength of an Decreet of either of the Judges thereof interponed thereto, that Letters of Horning on ſix days, and others Executorials neceſſary may be direct hereupon, in form as effeirs. *Given at the Court at* White-hall *the* 11 *day of* April 1681, *and of his Majeſties Reign the thirty third year.*

SIGNATURE, containing a Tack of the Lands of *J. &c.* with the Teinds fallen in His Majeſties Hands, *ratione Forisfacturæ*, in favours of *R. J.* Relict of Mr. *R. B.* late of *J.* (the perſon forefaulted) for nine nineteen years and Cropts, for payment of eighty merks yearly, and former Ground duties and publick Burdens, containing abſolute Warrandice; The granting whereof evinces, that Bounty and Clemency is truely lodged in Soveraignity.

OUR SOVERAIGN LORD *with Advice and Conſent of His Majeſties right Truſtie, Familiar and Well-beloved Couſins and Counſellors* J. E. *of* P. *Lord high Chancellor of His Majeſties ancient Kingdom of* Scotland, J. M. *of* A. *Lord Privy Seal,* W. D. *of* H. G. V. of T. *and of his Majeſties right Truſty and familiar Counſellour, Lieutenant-General,* W. D. *of* C. *Commander of all his* Majeſties *Forces within the ſaid Kingdom, Commiſſioners of his Majeſties Theſaury, Comptrollry, Collectorie, and Theſaurary of his Majeſties New Augmentations, and of the remanent Lords and others Commiſſioners of his Majeſties Exchequer of the foreſaid Kingdom; Ordains a Letter of Tack to be paſt and expede under his Majeſties Privy Seal of the ſaid Kingdom, whereby his Majeſty ſets, and in Tack and Aſſedation for the* Mail *and Duty under-written, Letts to his Majeſties Lovit* R. J. *Relict of umquhile* M. R. B. *late of — her Heirs, Aſſigneys, and Sub-tennents whatſoever, all and haill the Lands of — with* Manner-place, *Houſes, Biggings, Yards, Ortchards, Miln, Dovecoat, New-mayens and Old-mayens thereof, and that Room called the — with Moſſes,Muires, Meadows,Woods, Fiſhings,Parts,Pendicles and Pertinents of the ſamen, lyand within the* Parochin *and Sheriffdom of — with the haill Eaſements and righteous Pertinents pertaining and belonging thereto, with the haill Teinds, Parſonage and Viccarage of the ſamen, as the ſame were formerly poſſeſt by her ſaid deceaſt Husband, and that for the haill ſpace, years and Cropts of nine nineteen years, and cropts next and immediatly following her Entry thereto, which is hereby declared to have been and begun at the Term of* Whitſunday *laſt bypaſt, and to be peaceably Bruiked, joyſed, uplifted and intrometted with by her and her foreſaids, till the foreſaid ſpace of nine nineteen years, be fully and compleatly outrun and expyred, but Interval or break of Terms, with power to them or their Factors or Chamberlanes in their name, to gather, uplift, intromet with, and diſpoſe upon the haill* Mails, *Ferms, Kains, Cuſtoms, Caſualities, profites and Duties of the Lands and others above-rehearſed, and to Occupy, Poſſeſs Labour and Manure the haill Lands, Houſes, and others pertaining thereto, and to Lead and intromet with the Teind-ſheaves,Teind-Duties, and other Teinds belonging thereto, freely, quietly, well and in peace, but any ſtop, Trouble or Impediment thereintil, and to ſet and raiſe the ſamen, Out-put and In-put the Tennents thereof call, follow-furth, and purſue for the haill Rents, Teinds or Caſualities thereof, or belonging thereto, and to apply the ſamen to their own proper uſe, and all and ſundry other things to do and exerce thereanent, neceſſar and uſual to be done, or which his Majeſty, or his Royal Succeſſors might do themſelves, and with all and ſundry other* Commodities *pertaining and belonging thereto:* Paying therefore yearly *the ſaid* R. J. *and her foreſaids, to our ſaid Soveraign Lord and his* Majeſties *Succeſſors, their Theſaurers, Commiſſioners of Theſaury, or Receivers of their Rents in their Names, the Sum of* 80 Merks *money of this Realm of* Scotland, *of* Maill *and Tack-duty allenarly at* Whitſunday *yearly, begining the firſt Terms payment thereof at* Whitſunday, *in the year* 1687 *years, and ſo-furth yearly thereafter at the ſaid Term, during the haill ſpace and years of this preſent*

Tack

Tack, and likeways paying to His Majeſtie and his Royal Succeſſors, the Feu and Blench Duties that were formerly payable furth of the Lands, and others above rehearſed by her ſaid deceaſt Husband, and to the Miniſters ſerving the Cure at the Kirk of —— and their Succeſſors, the Teind Duties or Stipends which were formerly in uſe to be payed furth of the Teinds thereof, and relieving his Majeſty during the ſpace of this Tack, of all Duties payable furth of the ſaids Teinds, and likeways paying their Proportion of the Supply payable to his Majeſty, according to the Valuation of the Lands above-written Termly, as it falls due, and that for all other Duty, which his Majeſty or his Royal Succeſſors can ask or claime for the ſamen, during the ſpace foreſaid of the ſaid Tack; And His Majeſty binds and obliges Him, His Heirs and Royal Succeſſors, to warrand and defend the foreſaid Tack, during the ſpace thereof above-ſpecified, at all Hands, and againſt all deadly, And that the ſaid Letter of Tack be fully extended in due form. With Command *therein, to all and ſundry the Farmers, Tennents, Tacksmen, and others addebted, and in uſe of payment of the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the Lands, and others above-mentioned, to Anſwer, Obey, and make payment to the ſaid* R. J. *and her foreſaids (and to none others) of the ſamen, during the ſpace above-written of this Tack; and diſcharging hereby the Lords Commiſſioners of His Majeſties Theſaury and Exchequer, and all others Collectors of His Majeſties Rents, to trouble or moleſt her, or her foreſaids thereintil, during the ſaid ſpace.* Given at the Court at Windſor the 30 day of *July* 1686, and of His Majeſties Reign the ſecond year.

SIGNATURE and GIFT of ſome Money that was due to the late A. *in favours of* S. J. C. *of* L. *Knight, and who was a Creditor of his.*

OUR SOVERAIGN LORD Conſidering, that albeit His Majeſties deareſt Brother King *Charles* the ſecond of ever bleſſed Memory, by a Charter and Gift under his Majeſties Great Seal, of the date the 17 day of *March* 1682 years, Diſponed to S. *A.G.* of *P.* (in whoſe Place S. *D T.* Advocat was afterwards ſurrogat) S. *W.P.* one of the Clerks of his Majeſties Privy Council, and *G.M.* one of the Clerks of Exchequer, as Truſtees for the behove of the Creditors of the *E.* of *A.* and late *M.* of *A.* the Lands and Eſtate therein-mentioned, which belonged to the ſaid *A.C.* late *E.* of *A.* and fell in his Majeſties Hands by his Forfaulture; the Lords of his Majeſties Exchequer are Ordained to give to the ſaids Truſtees, Gifts of all Bonds, Obligations, Sums of Money and Debts that belonged to the ſaid late *E.* of *A.* and fell likewiſe in his Majeſties Hands by his Forfaulture (the Debts due by the Laird of *G.* and *D. M.* of *M.* being no ways comprehended;) *Yet nevertheleſs,* that the Debt after-mentioned which was due to the ſaid *A.* late E. of *A.* and fell in his Majeſties Hands by his Forfaulture, is not given to the Truſtees, nor as yet to any other; and the ſame being a latent Debt, and being diſcovered by his Majeſties Lovit S *J.C.* of *L.* Knight, a Creditor to the ſaid late *E.* of *A.* it is juſt that he ſhould be preferred thereto, and have the ſame convoyed and aſſigned to him in ſatisfaction of his juſt Debt *pro tanto*: *And therefore* Our ſaid Soveraign Lord, with advice and conſent of His Majeſties right truſty familiar and well-beloved Couſins and Counſellors *J.E.* of *P.* Lord high Chancellor of his ancient Kingdom of *Scotland*, *J.M.* of *A.* Lord Privy Seal, *W. D.* of *H. G.V.* of *T.* and of his Majeſties right truſty and well-beloved Counſellour Lieutenant-General *W.D.* of C. Commiſſioners of his Majeſties Theſaury, Comptrollery, Collectory, and Theſaury of his Majeſties New Augmentations, and of the remanent Lords and others Commiſſioners of his Majeſties Exchequer of the ſaid Kingdom; His Majeſties Commiſſioners *Or-*

dains an Letter to be paſt and expede under his Majeſties Privy Seal of the foreſaid Kingdom, in due Form, Giving, Granting, Aſſigning and Transferring, and by the Tenor hereof, his Majeſty with Advice and Conſent foreſaid, gives, grants, aſſigns and transfers to the ſaid *S. J. C.* his Heirs and Aſſigneys whatſomever, the *Sum* of —— *Merks Scots Money*, contained in an Bond granted by the deceaſt *J.C.* of *F.* and his Cautioners to the deceaſt *H.* of *H.* of the date the —— day of —— 16--- years; and in an Bond of Corroboration thereof granted by *J.C.* of *G.* Son to the ſaid umquhile *J.C.* of *F.* to umquhile *H.* of *H.* with the Annualrents of the ſaid Sum of —— Merks, of all years and terms bygone reſting unpayed, and in time coming, during the not payment of the ſamen, with the Penalties contained therein; and in an Aſſignation of the foreſaid Bonds and Debt made by the ſaid — *H.* of *H.* or by his Tutors or Curators, or Factors, or others having Power to grant the ſame, in favours of the ſaid *A.* late *E.* of *A.* or of ſome other perſon for his behove, or in an Aſſignation Blank as to the Aſſigneys Name, all which belonged to, and was truly for the behove of the ſaid late *E.* of *A.* together with the Bond and Aſſignation it ſelf, and all that has followed or may follow thereupon; which Debt belonged to the ſaid *A.* late *E.* of *A.* and fell and became in his Majeſties Hands, and at his Gift and Diſpoſition by reaſon of the Forfaulture of the ſaid late *E.* of *A.* for the Crimes of Treaſon and *Laſe Majeſtie*, contained in the Decreet and Sentence of Forfaulture pronounced againſt him by the Lord Juſtice-General, Juſtice-Clerk, and Commiſſioners of Juſticiary, upon the —— day of —— in the year 168--- years, and be Eſcheat, Laws and Practique of this Realm, and priviledge of his Majeſties Crown, together with all Right whatſomever that the ſaid late *E.* of *A.* had to the foreſaid Debt, and which now his Majeſty has or may have by the ſaid Forfaulture, or otherways thereto; with Power to the ſaid S. *J.C.* and his foreſaids, to call and purſue for exhibition and delivery to them of the foreſaid Bond and Aſſignation, and Writs relative thereto; and likewiſe to ask, crave, receive, intromet with, and uplift the Sums of Money, Principal, Annualrent and Expenſes above-mentioned at their own hands, and to diſpoſe thereupon at their pleaſure, and to grant Diſcharges in their own Names upon the Recept thereof in haill or in part, and if need be, to call and purſue therefore, Decreets of Declarator, general and ſpecial thereupon, to obtain and cauſe put the ſame to due Execution, and generally to do every other thing requiſite and neceſſar for recovering payment of the foreſaid Debt; and that the foreſaid Letter be farder extended in the beſt Form, with all Clauſes needful. *Given at the Court at* Windſor *the* 21 *day of* Auguſt 1686, *and of his Majeſties Reign the ſecond year.*

GIFT by his Majeſty as King, of the Non-entry of ſome perſons, Non-entry and Marriage of an other perſon, and of a Ward, Non-entry, Releif and Marriage of a third perſon; the Cauſe whereof was, their Predeceſſors being Creditors to the Heretor, by Appryſing or Adjudication, were Infeft in a Land holden Simple-Ward, and a perſon having a Right of Wodſet upon theſe Lands, did (for his better Security) obtain this Gift, in order to Serve, Retour and Infeft his Conſtituents Heirs, and thereby make up his Right.

OUR SOVERAIGN LORD Taking to his Conſiderateon, that the deceaſt P.D. *of* S. *and the deceaſt* M. C.G. *Brother-german to the late* L. *of* G. *being lawful Creditors to* R. M. *now of* P. *and to his deceaſed Father and Grand-father, in ſeveral Sums of* Money *for themſelves, and otherways having Right, did for their farther Security, obtain themſelves Infeft by vertue of Appryſings*

ſings and Adjudications, in the ſaids L. of P. their Eſtate, or ſome part thereof holden Ward of his Majeſty and Royal Progenitors, and that by the ſaid P.D. his deceaſe, thoſe Lands and others wherein he ſtood Infeft, are fallen in his Hands by Non-entry, and that by the deceaſe of M.R.G. Brother to the ſaid M.C. and who was Heir ſerved, retoured and infeft, as Heir to him in thoſe Lands, and others, of the ſaid Eſtate, wherein the ſaid M.C. was infeft, have alſo fallen and become in his Majeſties Hands, upon the ſaid M.C. his deceaſe by Non-entry, and that by deceaſe of R.G. eldeſt lawful Son to the ſaid M.R. and Minority of —— G. eldeſt lawful Son and appearand Heir to the ſaid deceaſt R. and Grandchild and appearand Heir to the ſaid M.R. the ſame have fallen in his Majeſties Hands by Ward and Non-entry; and his Majeſty being unwilling to take the leaſt advantage of any lawful Creditor upon ſuch an account, and being now informed that A.G. of D. has acquired Right by Progreſs to the ſaids Diligences, againſt the ſaid Eſtate of P. holden Ward of his Majeſties as ſaid is; and his Majeſty being well informed of the ſaid A.G. of D. his loyalty and good affection to him and his Service; Therefore his Majeſty with Advice and Conſent of the Lords Commiſſioners of his Highneſs Theſaury and Exchequer of his ancient Kingdom of Scotland, Ordains an Letter of Gift to be made and paſt under his Majeſties Privy Seal of the ſaid Kingdom, in due and competent Form, Giving, Granting and Diſponing; likeas his Majeſty with Conſent foreſaid, by theſe Preſents, Give, Grant and Diſpone, to and in favours of the ſaid A.G. of D. his Heirs and Aſſigneys one or moe, the Ward and Non-entry, Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the Lands of —— Milns and pertinents, belonging to the ſaids Lairds of P. or one or other of them, and wherein the ſaid P.D. of S. M.C. and M.R.G. or the ſaid R.G. Son to the ſaid M.R. died laſt veſt and ſeaſed, holden of his Majeſty or his moſt Royal Progenitors, in manner foreſaid, and fallen and become in his Hands by reaſon of either Ward or Non-entry, or both, and that of all years and terms by-gone, ſince all or either of the forenamed perſons their deceaſes, and yearly and termly in all time coming, ay and while the lawful entry of the righteous Heir or Heirs of the forenamed perſons thereto, with the releif of the ſaids Wards and Non-entries, together alſo with the Marriage of the ſaid deceaſt R.G. and of the ſaid —— G. Son to the ſaid R. and failzieing of him by deceaſe of the next Heir or Heirs preſent or future, that ſhall happen to ſucceed in the ſaids Lands and Eſtate holden Ward in manner foreſaid, and haill Avails thereof, and all Benefit and Caſuality that may thereby accreſce to his Majeſty, and all Action, Purſute and Inſtance competent, or that may be competent in the Premiſſes for now and ever; With full Power to the ſaid A.G. and his Heirs and Aſſigneys above-ſpecified, to intromet-with, uplift, ask, crave and receive the foreſaids Ward and Non-entry Duties and Caſualities above-mentioned, with the ſaids Releif and Marriages, and haill Benefit & Caſualties thereof, and to call and purſue therefore before any Judge or Judges competent as accords, Decreets of general and ſpecial Declarators and others neceſſar in the Premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, compone, tranſact and agree thereanent, and to ſet and raiſe Tennents, uſe Warning, proſecute Removing, and to do what elſe his Majeſty or any other Donator has done, does, or may do by the Laws and Practique of the ſaid Kingdom, at any time before the granting of thir Preſents, and that freely, quietly, well and in peace, but any revocation. &c. And that the ſaid Letter be extended in moſt full and ample Form, with all Clauſes needful. Given at

GIFT of Penſion to J. E. *of A. one of the Gentlemen of His Majeſties Bed-Chamber.*

OUR *SOVERAIGN LORD* Ordains a Letter to be paſt under His Majeſties Privy Seal of His ancient Kingdom of *Scotland*, making mention; That His Majeſty taking into his Royal Conſideration, the many Great Eminent and Faithful Services done and performed to His Majeſty, and to his deareſt Royal Father of Glorious Memory, by His Majeſties right Truſty, and right well beloved Couſins and Counſellors, the deceaſed *J.* and *W.D.* of *H.* Grand-father and Grand-Uncle to His Majeſties right Truſty and well beloved Couſin *J. E.* of *A.* one of the Gentlemen of his Majeſties Bed-Chamber, and that in the moſt hard and difficult times, to the loſs of their Lives and Fortunes, and the firm Reſolutions the ſaid *J. E.* of *A.* hath to trace their Steps, and follow their Example, and the ardent Affection he hath towards his Majeſties Royal Perſon and Service, and the Pains, Charges and Expenſes he hath been at in attending thereupon theſe ſeveral years bypaſt, and his great deſires to continue therein; for whoſe Encouragement thereto, and for the faithful Services done, and to be done and performed to His Majeſty, by his ſaid right Truſty and well beloved Cuſin *J.* E. of *A.* and as a Mark of his Majeſties Royal favour, Kindneſs and Bounty to him: *Therefore* to have given, granted and diſponed, Likeas, His Majeſty by theſe preſents, with advice and conſent of the Lord Theſaurer-Principal, Theſaurer-Deput, and remanent Lords and others of His Majeſties Exchequer of his ſaid Kingdom, gives, grants and diſpones to the ſaid *J. E.* of *A.* a yearly Penſion of five hundred Pounds *ſterling* money, to be payed unto him at two Terms every year, *Whitſunday* and *Martinmaſs*, by equal Portions, whereof the firſt Terms payment is to be at *Whitſunday* in this preſent year of God 1682, and ſo-furth to continue yearly and termly thereafter during His Majeſties pleaſure only, Commanding hereby His Majeſties Theſaurer-principal, Theſaurer-Deput, His Caſh-keeper, and all the Collectors and Receivers of His Majeſties Rents, Revenues, Cuſtoms, Caſualities, Profits and Duties whatſoever of His Majeſties ſaid Kingdom for the time-being, readily to anſwer and pay the foreſaid Penſion, in manner above-mentioned, to His Majeſties ſaid Right Truſty and well beloved Couſin, *J. E.* of *A.* whoſe Receipt for the ſame in whole, or in part ſhall be to them, and to the Lords and others Auditors of their Accompts for allowing the ſame a ſufficient Warrand: And His Majeſty Ordains the ſaid Letter to be furder extended, in the moſt ample and beſt Form, with all Clauſes needful. *Given at the Court at* Windſor-Caſtle *the* 20 *day of* June 1682, *and of His Majeſties Reign the* 34 *year.*

WARRAND for a Gift of a yearly Fee and Sallary of 900 pound *ſterling*, to *J.* Marqueſs of *Athole*, as Lord Privy Seal, which is now annexed to the Office, and Declared to be over and above his former Penſions.

OUR SOVERAIGN LORD *taking to His Royal Conſideration, the great and eminent Services done and performed to His Majeſty, by his right Truſty and well beloved Couſin and Counſellor,* J. *M. of* A. &c. *Lord Privy Seal of His Majeſties ancient Kingdom of* Scotland, *not only in that Office, but likeways in all other Offices, Imployments and Capacities, wherein His Majeſty for many years was graciouſly pleaſed to imploy and confer Truſt upon him, and with what Zeal, Duty and Affection he (to the expoſing of Life and Fortune to all*

all Hazards) has Loyally asserted the Royal Prerogative, just and incontavertable Priviledges of his Majesties Crown and Dignities, and that his Majesty through the intire Confidence reposed in him, not only by a Patent under his Majesties Great Seal of his ancient Kingdom, created and appointed the said J. M. of A. Lord Privy Seal therein, but also by a Letter under the Privy Seal of the said Kingdom, of the date the 21 day of May 1675 years conferred upon him as Lord Privy Seal, a Pension of four hundred pound sterling yearly, and his Majesty likeways considering the great Attendance and Expense he will be exposed to in his Majesties Affairs for the future, and being graciously resolved to confer an additional Mark of his Royal favour and Bounty upon him: Therefore Ordains a Letter to be made, and past under the Privy Seal of the said Kingdom, in due and competent Form; Giving, granting and disponing: likeas, his Majesty by these presents, with advice and consent of the Lord high Thesaurer, Thesaurer-Deput, and remanent Lords and others of his Majesties Exchequer of his said ancient Kingdom, gives, grants and dispones, to the said J. M. of A. as Lord Privy Seal, the said Sum of four hundred pound sterling, with the sum of five hundred pounds more, making up in the whole, the sum of nine hundred pounds sterling, to be payed unto him as Lord Privy Seal, at two Terms yearly, Whitsunday and Martinmass, by equall Portions, out of the first and readiest of his Majesties Rents, Revenues, Customs, Casualities, Profits and Duties whatsoever, Ordinary and Extraordinary, within his Majesties ancient Kingdom aforesaid, whereof the first Terms payment is to begin at Whitsunday, in this instant year of God 1682 (for the Term immediatly preceeding) and so furth to continue yearly and termly thereafter, during his Majesties pleasure allenarly, and that in Name of a constant Fee and Sallary to the said J. M. of A. as Lord Privy Seal, which by his Majesty is of his certain knowledge and proper Motive hereby annexed as a Fee and Sallary to the said Office, in all time coming; Commanding hereby, his Majesties Thesaurer-Principal, Thesaurer-Deput, Cash-keeper, and all Collectors and Receivers of His Majesties Rents, Revenues, Customs, Casualities, Profits and Duties whatsoever, ordinary and extraordinary within the said Kingdom for the time-being, readily to answer and pay the foresaid Fee and Sallary of nine hundred pound sterling to the said J. M of A. during the said space, whose Receipt for the same, in whole or in part, shall be to them a sufficient Warrand; And hereby commands and allows the Lords, and others Auditors of the said Thesaurer-principal, and Deput, Cash-keeper, Collectors and Receivers of their Accompts, to allow and discompt the said payment from time to time, and for which Allowance, these presents shall also be to them a sufficient Warrand; And his Majesty hereby wills and declares, that the said Fee and Sallary is, and shall be over and above a Letter of Pension of five hundred pound sterling yearly, conferred by his Majesty upon the said M. of A. of the date the first day of May this instant year, which is also hereby ratified in all Points: And lastly, his Majestie Ordains the said Letter to be registrat at the Writter to the Privy Seal his Office, and to be furder extended in most ample and best Form, with all Clauses needful, by the Director to the Chancellary, or his Deputs, and to be expeded not only under the Privy Seal, but also under the great Seal, which his Majesty Ordains the Lord High Chancellor, or his Deputs to append thereto: For all which these presents shall be to them a sufficient Warrand, and because the said J. M. of A. is Lord Privy Seal for the time, His Majesty Appoints these presents to be keeped at the Great Seal, as the Warrand of both Seals, without the necessity of passing any other of the Seals. Given at the Court at *Windsor-Castle* the 5th day of *June* 1682, and of His Majesties Reign the 34 year.

WARRAND for a Gift of the Office of being His Majeſties Maſter Bower, in favours of J.M. *Bower, Burges of* Edinburgh.

OUR SOVERAIGN LORD Underſtanding, that *Andrew Forreſter* Bower, Burges of *Edinburgh*, and one of the Captains thereof, and his *Majeſties* Maſter Bower, and Armourer within his ancient Kingdom of *Scotland*, is now deceaſed, and therethrough his ſaid Office become vacant in his Highneſs Hands, and at his *Royal* Gift and Diſpoſition; and being likewiſe informed of the Abilities & Qualifications of *J.M.* Bower Burges of the ſaid City of *Edinburgh*, for exercing the ſaid Office, and of his Loyalty and Affection to his Majeſties Government, *Ordains* an Patent or Letter of Gift to be made and paſt under his Highneſs Privy-Seal of the ſaid ancient Kingdom, in due and competent Form; Making, Conſtituting and Ordaining; Likeas his *Majeſty* by thir Preſents (with Advice and Conſent of the Lords of his Highneſs Theſaury and Exchequer of the ſaid Kingdom, his *Majeſties* Commiſſioners) Makes, Conſtitutes and Ordains the ſaid *J.M.* during his Lifetime, his *Majeſties* Bower and Maſter Armourer within his Highneſs ancient Kingdom aforeſaid, and particularly within his Highneſs Caſtles of *Edinburgh*, *Striveling*, *Dumbartoun*, Palace of *Holy-rood-houſe*, and all others his Highneſs Cities, Towns, Palaces, Houſes, Forts and *S*trengths whatſomever, belonging to his *Majeſty* within the ſaid Kingdom; and giving, granting and diſponing, likeas his Majeſty by theſe preſents (with Conſent foreſaid) gives, grants and diſpones to him during the ſaid ſpace, the Office thereof, with the ſole Liberty and Priviledge of making his Highneſs Bows, Arrows, Clubs, Lances, *S*pears, Pikes, Halberts, Up-ſets for Cannons, Spunge-heads, *S*tocks of Muskets, Guns, Tents, and all other manner of Work, Furniture, and Neceſſars belonging to the ſaid Bower-Trade and Armurary, and fit for his Highneſs uſe and ſervices; together with all other Priviledges, Freedoms, Immunities, Commodities and Caſualities belonging and knowen and accuſtomed in any manner of way, to belong and appertain to the ſaid Office; *With full Power* to the ſaid *J.M.* during the ſaid ſpace, by himſelf or Deput (for whom he is to be anſwerable,) to exerce the ſaid Office of his Majeſties Maſter Bower & Armourer within the ſaid ancient Kingdom, & particularly within his Highneſs Palaces, Forts and *S*trengths aforeſaid, and to uplift and enjoy all Fees, Benefits, Commodities, *P*rofits and Caſualities thereof whatſomever, and to apply the ſame for his own uſe, and to poſſeſs, bruik and enjoy all *P*riviledges, Dignities and Liberties whatſomever, belonging and accuſtomed to belong, and that may be known hereafter to appertain and belong thereto any manner of way, ſicklike and als fully and freely in all reſpects, as the ſaid deceaſt *A. F.* or any other his Predeceſſors in the ſaid Office formerly uſed and enjoyed the ſame; *And ſicklike*, his Majeſty (for the ſaid *J.M.* his uſing, exercing and diſcharging the ſaid Office, and attending thereupon, and for the good, ready and thankful Service to be done by himſelf or Deput as ſaid is therein upon all occaſions) Giving and Granting, likeas his Highneſs with Conſent foreſaid, hereby gives and grants to the ſaid *J.M.* during the ſaid ſpace, an *M*onthly Wage and Fee of Twenty Pound uſual Money of the ſaid Kingdom, to be payed to him Monthly during the ſaid ſpace, together alſo with an honeſt *S*ute of Clothes yearly during the ſame ſpace, to be anſwered, obeyed and payed to him by the Lords of his Highneſs Theſaury, his Majeſties Theſaurer Principal and Deputs for the time, or either of them, and under Receivers of his Highneſs Rents, preſent and to come, out of the firſt and readieſt of his

Highneſs

Highneſs Rents and Caſualites of the ſaid ancient Kingdom, beginning the firſt Months Payment of the ſaid Fee, upon the firſt *Wedneſday* of —— 16 and —— years, and ſo furth Monthly thereafter, upon the firſt *Wedneſday* of each Month during the ſaid ſpace, and the firſt Years Payment of the ſaid Sute of Clothes, upon the firſt *Wedneſday* of the Month of —— the ſaid year, and ſo furth yearly thereafter during the ſpace aforeſaid, Commanding hereby the Lords of his Majeſties Theſaury, Theſaurers for the time, Principals and Deputs, and either of them, and under Receivers of his Highneſs Rents preſent and to come, to readily anſwer, and to make good and thankful payment to the ſaid *J. M.* of the ſaid Monthly Wages and Fee, upon the ſaid firſt *Wedneſday* of every Month, and of the ſaid Sute of Clothes yearly, during his ſaid Lifetime; and als Commanding the Auditors of his Majeſties Accompts in Exchequer, to defalcat, allow and defaze the ſame to them in their Accompts, upon Production before them of the ſaid Letter of Gift, which his Highneſs appoints to be Regiſtrat in the Rolls of Exchequer as uſe is, and for which thir preſents ſhall be to all of them a ſufficient Warrand: And forasmuch as by ſeveral Acts of Parliament, and Secret Council of the ſaid Kingdom, but particularly by the Two Hundred Seventy and Fifth Act, of the Fifteenth Parliament of King *James* the Sixth, of ever bleſſed Memory, theſe who are Employed in his Majeſties Service, as one of ilk Occupation and Trade are exempted from bearing any Burden, Watching or Warding within Burgh with the reſt of the Neighbours; *Therefore* His Majeſty with Conſent foreſaid, Wills and Declares, that the ſaid *J. M.* during his ſaid Lifetime, ſhall have and enjoy the benefit of the ſaid Act of Parliament, and of all other Acts of Parlament and Council whatſomever, conceived in favours of theſe who are employed in his Highneſs Service; And hereby expreſly diſcharges all other perſons during the ſaid ſpace, to preſume to exerce the ſaid Office, or any part thereof, directly or indirectly, and in leſs or more, as they will be anſwerable to his Majeſty and his Highneſs Privy Council, to whom his Highneſs hereby expreſly recommends the ſeeing of this preſent Gift, in all its Tenor and Contents, put in due Execution from time to time, ſo as the ſaid *J. M.* during his ſaid Lifetime, may fully and amply enjoy the ſame, freely, quietly, well and in peace, but any revocation, obſtacle, impediment, incroachment, or again-calling whatſoemever; and revocks all former Gifts (if any be) granted to any other perſon or perſons of the ſaid Office, Priviledge, Benefit and Caſualities thereof at any time heretofore: And that the ſaid Gift be extended in moſt ample Form, with all Clauſes needful. *Given at*

SIGNATURE of Legitimation in favours of a perſon born Baſtard.

OUR SOVERAIGN LORD, *with the ſpecial Advice and Conſent of* (here inſert the Conſents of the Exchequer according to the Conſtitution for the time, and then ſay) *Ordains an Letter of Legitimation to be made and paſt under his Majeſties Privy Seal of the ſaid ancient Kingdom, in due and competent Form, Giving and Granting, likeas his Majeſty, with Conſent foreſaid, by thir Preſents, Gives and Grants to* E. H. *Relict of the deceaſt* J. H. *Chamberlain of* K. *Baſtard, Natural Daughter to* M. H. *Servitor to the* D. *of* H. *Procreat betwixt him and* J. F. *full Power, Faculty and Warrand, during all the Days of her Lifetime, whether in* leige pouſtie *and perfect Health, or in Sickneſs and Death-bed, yea alſo in* ipſo articulo Mortis, *freely to Give and Diſpone all her Goods and Gear whatſomever, alſwell movable as immovable, already pertaining and belonging to her, or that in any time coming ſhall happen to belong and be acquired by her, and that to and in favours of any perſon or perſons*

whatsomever she pleases, and as to her shall seem expedient; and likewise to make an Latter-Will and Testament, and thereby, or by Assignation, or otherways, to dispose upon her Estate, present and to come, and Legat the same at pleasure, notwithstanding of Bastardy wherein she was Procreat and Born, and notwitstanding of his Majesties *Priviledge by Law of the Escheats of Bastards: And in like manner, his Majesty with Consent foresaid, Statutes, Wills and Declares, that it shall be lawful to the said* E. H. *to make and exerce all lawful Facts and Deeds, in Judgment, or out-with the same, and to bruik and enjoy all other Priviledges, Offices, Honours, Dignities, Lands, Possessions and others whatsomever, sicklike and als fully and freely in all respects, and to all intents and purposes, as if she had been Procreat and Born in lawful Marriage and Wedlock, and (6) notwithstanding of the constant Practique of this Kingdom, and inherent Priviledge of his Highness Crown, in relation to the Escheats of Bastardy, and notwithstanding of whatsomever other Laws, Common, Civil or Municipal, and Acts of Parliament of this Realm made or to be made thereanent, whilks his Majesty for Highness and his Royal Successors, with Consent foresaid, by thir Presents, Renunce, or in her Option, Give, Grant and Dispone in her favours, with all Action, Pursuit and Instance, competent or that may be competent to his Majesty or his foresaids thereupon for ever in all time coming, and that freely, quietly, well and in peace, but any revocation, contradiction, obstacle or again-calling whatsomever; and that the said Letter of Legitimation be extended in most ample Form, with all Clauses needful.* Given at

Some Writers insert at the Figure (6) *and that it shall be lawful to those descended of her Body, to serve Heir to her, both in general and special, and to be retoured and infeft accordingly,* and then follow furth the Stile.

WARRAND for a Gift of the Office of one of his Majesties ordinary Trumpeters in Scotland, *to* J. S. *one of the Trumpeters in the Live-guard.*

OUR SOVERAIGN LORD Understanding, that the Place and Office of one of the Ordinary Trumpeters within His *Majesties* Realm of *Scotland*, is now Vancand in His Majesties Hands, and at his Gift and Disposing, through the decease of *J.* F. younger, late possessor thereof; *Therefore* His *Majesty* Ordains a Letter to be made, and past under the Privy Seal of his ancient *Kingdom* of *Scotland*, Making, Constituting and Ordaining; Likeas, his *Majesty* (with advice and consent of his right Trustie, and right well beloved Cousin and Counsellour, *J. E.* of *P.* Lord high Chancellor, his right Trusty and intirely beloved Cousin and Counsellour, *W. D.* of *Q.* Lord President of the Privy Council; His right Trusty, and right well beloved Cousin and Counsellour *J.* M. of *A.* Lord Keeper of the Privy Seal; His right Trusty and intirely beloved Cousin and Counsellour, *W. D.* of *H.* his right Trusty and well beloved Cousin and Counsellour, *G. V.* of *T.* Lord Register, and of his Majesties right Trusty and right well beloved Cousin and Counsellour *W. D.* of *C.* Lieutenant-General of all his Majesties Forces, within his said Kingdom, Lords Commissioners of his Majesties Thesaury; and also with advice and consent of the rest of the Lords Commissioners of Exchequer of the said Kingdom) hereby makes, constitutes and ordains his Majesties Lovit *J.* S. (one of his Majesties Trumpeters to his Troup of Guard, under Command of the Lord *Levingstoun*) to be one of the Number of his *Majesties* ordinary Trumpeters within the said Kingdom of *Scotland*, during the whole space of his Lifetime, and his Majesty has given and granted; Likeas, by the Tenor here-

of

of, gives and grants to the ſaid *J. S.* the Office thereof during the ſpace foreſaid, with all Fees, Liveries, Caſualities, Burialls, Liberties, Priviledges and Immuities, Ordinary and Extraordinary pertaining thereto, and poſſeſſed of before by the ſaid deceaſt *J. F*: *With Power* to him to uſe and exerce the ſaid Office, ſicklike, and als freely in all reſpects, as the ſaid deceaſt *J. F.* had the ſame of before, or as any other of His *Majeſties* Trumpters, poſſeſſors of the ſaid Office, and his *Majeſty* has made, Likeas, by theſe preſents, makes him equal in Degrees and Eſtate with them in all things pertaining to the ſaid Office, during the ſpace above-written; *Commanding* the ſaids Lords Commiſſioners of the Theſaury, and the Receivers of his Majeſties *Rents* within the ſaid Kingdom of *Scotland*, readily to Anſwer, Obey, and make thankful payment of the ſaid ordinary Fees and Liveries in all time coming, to the ſaid *J. S.* or his Factor in his name, during his Lifetime as ſaid is, ſicklike, and as freely in all reſpects as the ſame was payed of before to the ſaid deceaſed *J. F.* or any other Poſſeſſor of the ſaid Office, which his *Majeſty* wills to be allowed by the Lords Auditors of his Majeſties Accompts of Exchequer, theſe preſents being produced, and regiſtrat in his Majeſties *Rolls* as effeirs. *Given at the Court at* White-hall, *the* 30 *day of* March 1685, *and of his Majeſties Reign the ſecond year.*

A Penſion to Sir J. D. *of* S. *younger, as His Majeſties Juſtice-Clerk.*

OUR *SOVERAIGN LORD* Ordains a Letter to be made, and paſt under His Majeſties *Privy Seal* of His ancient Kingdom of *Scotland*, giveing, granting and diſponing; Likeas, his Majeſty by theſe preſents, (with the Advice and Conſent of his Right Truſty, and Right well Beloved Couſins and Counſellors, *J. E.* of *P.* Lord High Chancellor, and *I. M.* of *A.* Lord Keeper of the Privy Seal, his Right Truſty and Entirely Beloved Couſins and Counſellors, *W. D.* of *H.* and *G. D.* of *G.* and of his right Truſty and well Beloved Couſins and Counſellors, *J. E.* of *T. C. E.* of *B. G. V.* of *T.* Lord Regiſter, and *W. V.* of *S.* Lieutennant General of his *Majeſties* Forces within the ſaid Kingdom, Lords Commiſſioners of his *Majeſties* Theſaury, and of the reſt of the Lords of his Majeſties Exchequer) gives, grants and diſpones unto his Right Truſty and well beloved Counſellor, S. *J. D.* of *S.* younger, as his *Majeſties* Juſtice Clerk, a yearly Penſion of four hundred pound *ſterling* Money, to be payed unto him at two Terms every year, *Whitſunday* and *Martinmaſs* by equal Portions, whereof the firſt Terms payment is to be at *Whitſunday* next enſuing the date of theſe preſents, and ſo-furth to continue yearly and termly thereafter, during his Majeſties pleaſure only, commanding hereby the ſaids Lords Commiſſioners of his Majeſties Theſaury, and all *Receivers* and *Collectors* of his *Majeſties Rents*, *Revenues*, Cuſtoms, Caſualities, *Profits* and Duties whatſoever, within his ſaid Kingdom for the time being, readily to anſwer and pay the foreſaid Penſion in manner and during the ſpace already mentioned unto the ſaid *S. J. D.* whoſe Receipt for it in whole or in part, ſhall be to them and to the Lords Auditors of their Accompts reſpectively for allowing the ſame a ſufficient Warrand: And his Majeſty Ordains the ſaid Letter to be furder extended, in the moſt ample and beſt Form, with all Clauſes needful. *Given at the Court at* White-hall, *the* 31 *day of* January 1688, *and of his Majeſties Reign the* 3*d year.*

WARRANT for a Gift of an additional yearly Penſion of 200 *pound* Sterling *to the ſaid Sir* J. D. *of* S. *younger, His Majeſties Juſtice-Clerk.*

OUR SOVERAIGN LORD Ordains a *Letter* to be made, and paſt under His *Majeſties* Privy Seal of his ancient Kingkom of *Scotland*, giving, granting and diſponing; *Likeas*, His *Majeſty* by theſe preſents, (with advice and conſent of his right Truſty, and right well beloved Couſins and Counſellours *J. E.* of *P. I*ord high Chancellor, and *J. M.* of *A. L*ord Keeper of the Privy Seal, his right Truſty and intirely beloved Couſins and *C*ounſellours, *W. D.* of *H.* and *G. D.* of *G.* and of his right *T*ruſty and well beloved *C*ouſins and *C*ounſellours *J. E.* of *T. C. E* of *B. G. V.* of *T. L*ord Regiſter, and *W. V.* of *S. L*ieutenant-General of all his *M*ajeſties Forces within the ſaid Kingdom, *L*ords *C*ommiſſioners of his *M*ajeſties *T*heſaury, and of the reſt of the *L*ords of his Majeſties Exchequer) gives, grants and diſpones unto his *M*ajeſties right *T*ruſty and well beloved *C*ounſellour *S. J. D.* of *S.* younger, his Majeſties Juſtice-Clerk, an Additional yearly Penſion of two hundred pounds *ſterling* money, which with the yearly Penſion of four hundred pounds *ſterling*, (lately granted by his Majeſty to him) makes in all the Sum of ſix hundred pounds *ſterling* Money to be payed unto him at two Terms every year, *Whitſunday* and *Martinmaſs*, by equal Portions, whereof the firſt Terms payment is to be at *Whitſunday*, next enſuing the date of theſe preſents, and ſo-furth to continue yearly and termly thereafter, during his Majeſties pleaſure only, *Commanding* hereby the ſaids Lords *C*ommiſſioners of his *M*ajeſties Theſaury, and all *R*eceivers and *C*ollectors of his Majeſties *R*ents, *R*evenues, *C*uſtoms, *C*aſualities, Profits and Duties whatſoever within his ſaid Kingdom for the time-being, readily to anſwer and pay the foreſaid Penſion (in manner, and during the ſpace already mentioned) unto the ſaid *S. J. D.* whoſe *R*eceipt for it in whole or in part, ſhall be to them, and to the Lords Auditors of their Accompts reſpectively for allowing the ſame a ſufficient Warrand: And His *M*ajeſty Ordains the ſaid Letter to be furder extended, in the moſt ample & beſt Form, with all *C*lauſes needful. *Given at the Court at* White-hall *the* 29 *day of* February 1688, *and of His Majeſties Reign the* 4 *year.*

ESCHEAT of *S*ir *H.* and Sir *G. C.* of *C.* to the Lord *V.* of *M.* fallen in his Majeſties Hands by Forefaulture; It contains alſo an Aſſignation and *R*ight to all Bonds Heretable and *M*oveable, Appryſings, Adjudications, *&c.*

OUR SOVERAIGN LORD, *with the ſpecial advice and conſent of* (here inſert the Conſents of the Exchequer, according to the Conſtitution for the time, and then ſay) *Ordains a Letter to be paſt and expede under his Majeſties Privy Seal of the ſame Kingdom, in due form, to his Majeſties right Truſty, and right well beloved Couſin and Counſellour,* J. V. M. *Secretary of State to his Majeſty for the ſaid Kingdom, his Heirs or Aſſigneys, ane or moe of the Gift of the Eſceat of all Goods, Gear, moveable and immoveable Debts, Tacks Steidings, Roums, Poſſeſſions, Acts, Contracts, Actions, Obligations, Aſſignations, Decreets, Sentences, Sums of Money, Jewels, Gold, Silver coyned and uncoyned, Inſight, Pleniſhings, and other Goods and Gear eſcheateable whatſoever, which pertained of before to* S. H. C. *elder of* C. *and Sir* G. C. *younger thereof, the time after-ſpecified of their being forefaulted for the Cauſe after-mentioned, or at any time ſenſyne, now pertaining to our ſaid Soveraign Lord, fallen and become*

come in his Majeſties *Hands, and at His Majeſties Gift and Diſpoſition, by reaſon of Forefaulture and Eſcheat, Laws and Practique of his Realm, and priviledge of His Highneſs Crown, through being of the ſaid* S. H. *and* S. G. C. *upon the —— day of ——* 1685, *forefaulted and declared Rebells by His Majeſtie and Eſtates of Parliament, for the Crimes of Treaſon and* Læſe-Majeſty, *mentioned in the Decreet and Sentence of Forefaulture, given and pronounced againſt them in the ſaid matter, as the ſamen more fully proports; And farder, our ſaid Soveraign Lord with advice and conſent foreſaid, gives, grants, aſſigns, transferrs and diſpones to the ſaid* J. V. *of* M. *and his foreſaids, all and whatſoever Bonds heretable and moveable Annualrents, Wadſets, Adjudications, Appryſings, Tacks, and Rights of Teinds, Decreets, and other Writes, Evidents and Securities whatſoever made and granted to the ſaid Sir* H. *and* S. G. C. *or either of them, or either of their Predeceſſors, to whom they or either of them are appearand Heirs, or neareſt of Kin, and all ſums of* Money, Principals, *Annualrents,* Penalties, *Expenſes and* Sheriff-Fees *contained therein, or due by vertue thereof, with all Right, Title and Intereſt, that the ſaid* S. H. *and* S. G. C. *or either of them had thereto, or which his Majeſty now has by their Forefalture, or otherways, likeways now fallen and become in his* Majeſties *Hands, and at his Highneſs Gift and Diſpoſition, by the Forfaulture above-mentioned, at the time above-ſpecified, for the Cauſe above-written;* With full Power *to the ſaid* J. V. *of* M. *his Heirs and Aſſigneys foreſaids, to ask, crave, receive, intromet-with, and uplift the haill Debts, Sums of* Money, *Goods, Gear, and others above-ſpecified, hereby gifted, aſſigned, transferred and diſponed, which pertained formerly to the ſaid* S. H. *and* S. G. C. *or either of them, and thereupon to diſpoſe at their pleaſure, and to call and purſue therefore, as accords of the Law, and to occupy the ſaids Lands with their own Goods, or ſet the ſame to Tennents as they ſhall think expedient, with Courts, Plents, Herezalds,* &c. *free Iſh and Entrey,* &c. *and with all and ſundry other Commodities, Freedoms,* &c. *freely, quietly,* &c. *but any Revocation: And that the foreſaid Letter be farder extended in due Form, with all Clauſes needful.* Given at the Court at *Windſor,* the 14*th* of *July,* 1686. and of his Majeſties Reign the 2*d.* year.

GIFT in favours of *J. S.* Uſher in Exchequer, *A. M.* and *W. S.* ſucceſſively, of the Office of being Keepers of the Council-Chamber, and Furniſhers of Coal and Candle thereto, and likewiſe Pen, Ink, Paper and Parchment to the Lords of the Theſaury and Exchequer, at their ſeveral Meetings and Dyets; and of Coal and Candle to the ſaid Theſaury and Exchequer-Rooms; and bears 40 *lib.* Sterling of Sallary yearly for the one, and 30 *lib.* Sterling for the other Office.

OUR SOVERAIGN LORD, *with Advice and Conſent of his Majeſties right truſty Couſins and Counſellors* J. D. *of* R. *Lord High Chancellor of his Majeſties ancient Kingdom of* Scotland, J. D. *of* L. *Lord Preſident of his* Majeſties *Privy Council for the ſaid Kingdom,* J. M. *of* A. *Lord Privy Seal for the ſaid Kingdom,* A. E. *of* M. *his Majeſties Secretary of State for the ſaid Kingdom,* A. E. *of* A. P. E. *of* S. W. E. *of* Q. *and* W. E. *of* D. *and of his Majeſties truſty Counſellor* C. M. *of* H. *his Majeſties Theſaurer-Deput for the ſaid Kingdom, Commiſſioners of his Majeſties Theſaury in the ſaid Kingdom, and with Conſent of the remanent Lords and others Commiſſioners of his Majeſties Exchequer in the ſaid Kingdom; Conſidering, that his Majeſty by his Gift under his Highneſs Privy-Seal, of the date the* 8 *day of* February 1676 *years, for the Cauſes therein-ſpecified, did Nominat and Appoint* J. S. *Uſher in Exchequer, during his Lifetime, and after his deceaſe umquhile* J. S. *his eldeſt Son*

during his Lifetime, to be Keepers of his Majesties Council-Chamber in the said Kingdom of Scotland, and Furnishers of Coal and Candle thereto, and did grant to them the Office thereof, with the Sum of Thirty Pound Sterling Money of Sallary yearly, for keeping of the said Council-Chamber; And sicklike his Majesty did Nominat and Appoint the said J.S. during his Lifetime, and after his decease, the said umquhile J.S. his Son, to be Furnishers of Pen, Ink, Paper and Parchment to the Commissioners of his Majesties Thesaury and Exchequer, and of Coal and Candle to the said Thesaury and Exchequer-Rooms, with the Sum of Fourty Pounds Sterling Money foresaid of yearly Sallary, for the Expenses and Pains to be taken by them and their Servants, in the discharge of the saids Offices, which his Majesty has appointed to be payed to them out of the first and readiest of his Higness Rents and Casualities of his Majesties Thesaury, Comptrollery, or Thesaury of New Augmentations, in manner at length specified in the foresaid Gift: And seing that since the date of the foresaid Gift, the said J.S. Son to the said J.S. Usher is deceast, and that his Majesty is resolved for certain good Causes, to renew, supply and extend the foresaid Gift in favours of the said J.S. and after his decease in favours of the other persons after-named, in manner under-written; Therefore His Majesty with Consent foresaid, hath nominated and appointed, and by thir Presents, nominats and appoints the said J.S. during all the days of his Lifetime, and after his decase A.M. Servitor to the Lord Justice-Clerk, during all the days of his Lifetime, and after his decease W.S. second Son to the said J.S. during all the days of his Lifetime, to be Keepers of his Majesties Council-Chamber in the said Kingdom of Scotland, and Furnishers of Coal and Candle thereto; and to have given, granted, likeas his Majesty by thir Presents, gives and grants to the said J.S. during his Lifetime, and after his decease to the said A.M. during his Lifetime, and after his decease to the said W.S. during his Lifetime, the Office thereof, with the said Sum of Thirty Pounds Sterling yearly of Sallary, for keeping of the said Council-Chamber, for their own and their Servants Attendance thereon, and Furnishing the same with Coal and Candle; and in like manner, his Majesty nominats and appoints the said J.S. during all the days of his Lifetime, and after his decease the said A.M. during all the days of his Lifetime, and after his decease the said W.S. during all the days of his Lifetime, to be Furnishers of Pen, Ink, Paper and Parchment to the said Commissioners of Thesaury and Exchequer, at their several Meetings and Dyets, and of Coal and Candle to the said Thesaury and Exchequer-Rooms; as likewise his Majesty gives and grants to the said J.S. during all the days of his Lifetime, and after his decease to the said A.M. during all the days of his Lifetime, and after his decease to the said W.S. during all the days of his Lifetime the Office thereof, together with the said Sum of Fourty Pound Sterling Money foresaid of Sallary yearly, for their trouble and pains to be taken by them and their Servants therein, and for defraying of the expenses thereof, to be payed to them according to the substitution above-written, yearly by the Commissioners of his Majesties Thesaury, Thesaurer-Principal and Deput, his Majesties Cash-keeper, and Receivers of his Majesties Rents, Customs and Casualities of the said Kingdom of Scotland, present and for the time being, furth of the readiest of his Majesties Rents, Customs and Casualities, yearly, at Whitsunday and Martinmas by equal Portions, beginning the first Terms payment thereof at the Feast and Term of Martinmas next to come, and sua furth yearly and termly during the space of the saids three Lifetimes, with all and sundry Fees, Freedoms, Casualities, Commodities, Immunities, Liberties and Priviledges thereof, sicklike and as freely in all respects as the said J.S. did bruik and possess the same at any time bygone; And in like manner, His Majesty hereby Commands the Commissioners of His Highness Thesaury, His Majesties Thesaurer-Principal and Deputs, or any of them, for the time being, or any other His Majesties Cash-keepers, or Receivers of His Majesties Rents, Customs and Casualities, to make good and thankful payment to the said

ſaid J.S. *yearly, during his Lifetime, and after his deceaſe to the ſaid* A.M. *during his Lifetime, and after his decaſe to the ſaid* W. S. *during his Lifetime, of the ſaids reſpective Sums of Thirty & Fourty Pounds Money foreſaid, for the Cauſes above-written, and that out of the firſt and readieſt of His Majeſties Rents and Caſualities of His Highneſs Theſaury, Comptrollery, Theſaury of New Augmentations, or any of them, or out of whatſomever other Rents or Caſualities belonging to His Majeſty within the ſaid Kingdom, by whatſomever manner of way*; And ſicklike His Majeſty Commands *the Auditors of His Majeſties Exchequer, preſent or to come, yearly to defalcat and allow to the ſaids Officers in their Accompts, the foreſaid Sums contained in this preſent Gift, being once preſented and regiſtrat*; *and it is hereby expreſly Provided, that notwithſtanding of the foreſaid Subſtitution, and that the ſaid* A.M *ſhall be admitted to the ſaid Office, yet the ſaid* J.S. *during all the days of his Lifetime, ſhall have the full and free Exerciſe of the ſaid Offices, with the Fees, Caſualities, Immunities, Liberties, Priviledges, Benefits and Profits thereof, ſicklike as if the Name of the ſaid* A.M. *had not been inſert in thir Preſents, and were not admitted in the Lifetime of the ſaid* J. *S. and likewiſe it is hereby Provided, that the ſaid* A.M. *during all the days that he ſhall ſurvive the ſaid* J. S. *ſhall have the full and free exerciſe of the ſaids Offices, with the Fees, Immunities, Liberties, Priviledges, Caſualities, Benefits and Profits thereof, ſicklike as if the ſaid* W.S. *were not ſubſtitute to the ſaid* A.M. *in this preſent Gift*; *and likewiſe after the deceaſe of the ſaid* A.M. *this preſent Gift is hereby declared to be good, valid and ſufficient to the ſaid* W.*S. to all intents and purpoſes, ſicklike and as fully and freely as any other perſons have formerly enjoyed the ſaids Offices, Fees and Profits thereof*: And His Majeſty Commands *thir Preſents to be paſt under his Highneſs Privy Seal of the ſaid Kingdom, and that the ſaid Gift be further extended with all Clauſes needful.* Given at the Court at *Windſor-Caſtle* the 13th day of *July* 1681, and of His Majeſties Reign the 33d year.

ESCHEAT *of* P. *late of* T. *in favours of* L.G.D. *containing alſo an Aſſignation and Right to all Bonds Heretable and Movable, Appryſings, Adjudications*, &c. *fallen in his Majeſties Hands by Forfaulture, moſt full and ample.*

OUR *SOVERAIGN LORD*, with the ſpecial Advice and Conſent of (*here inſert the Conſents of the Exchequer, according to the Conſtitution for the time, and then ſay*) *Ordains* an Letter to be paſt and expede under his Majeſties Privy-Seal of the ſaid Kingdom, in due Form, to his Majeſties right truſty and familiar Counſellor Lieutenant-General *W. D.* of C. Commander of all his Majeſties Forces within the ſaid Kingdom, his Heirs or Aſſigneys, one or moe, of the Gift of the Eſcheat of all Goods, Gear, movable and immovable, Debts, Sums of Money, Tacks, Steadings, Rooms, Poſſeſſions, Acts, Contracts, Actions, Obligations, Aſſignations, Decreets, Sentences, Sums of Money, Jewels, Gold, Silver coyned and uncoyned, Inſight, Plenishing, and other Goods and Gear Eſcheatable whatſomever, which pertained of before to —— P. of T. at the time after-ſpecified, of his being Forfaulted for the Crime after-mentioned, or at any time ſenſine, or which pertained to any of his Predeceſſors, to whom he is appearand Heir or neareſt of Kin, and now pertaining to Our ſaid Soveraign Lord, fallen and become in His Majeſties Hands, and at His Majeſties Gift and Diſpoſition by reaſon of Forfaulture and Eſcheat, Priviledge of His Majeſties Crown, and Laws and Practique of this Realm, by and through the Decreet and Sentence of Forfaulture, given and pronounced againſt the ſaid —— P. by our ſaid Soveraign Lord and the Eſtates of Parliament, upon the —— day of —— 16

and —— years, for the Crimes of Treaſon and *Laſe Majeſtie* therein expreſt, as in the Proceſs and Decreet of Forfaulture obtained in the ſaid Matter at more length is expreſt; *And farder*, Our ſaid Soveraign Lord, with Advice and Conſent foreſaid, Gives, Grants and Diſpones to the ſaid Leiutenant-General *W. D.* and his above-ſpecified, all and whatſomever Bonds, Obligations, both heretable and movable, Tickets, Contracts, Diſpoſitions, Adjudications, Appryſings, Wodſets, Inſeftments of Annualrent, Aſſignations, Tranſlations, and other Writs, Rights and Securities whatſomever, made, granted and conceived, or which may be interpret in favours of the ſaid —— P. of *T.* or any of his Predeceſſors, to whom he is appearand Heir, or neareſt of Kin as ſaid is; and all Sums of Money, Principals, Annualrents, Penalties, and Sheriff-fees, contained therein, or due by vertue thereof; and likewiſe all Tacks, Aſſedations, Decreets of Valuation, Prorogation, and other Rights and Securities whatſomever, made and granted to him, or any of his Predeceſſors, to whom he is appearand Heir, of and concerning the Teinds, Parſonage and Viccarage of the Lands and Barony of *T.* or of whatſomever other Lands and Hetetages belonging to him, with all Right that His *Majeſty* has thereto by the Forfaulture above-mentioned, of whatſomever Years and Terms bygone and to come, and all Action and Execution competent, or that may be competent to His *Majeſty* for recovering Payment thereof, likewiſe fallen and become in his *Majeſties* Hands, by the Forfaulture and at the time above-ſpecified, for the Cauſe above-mentioned: *With full Power* to the ſaid Lieutenant-General *W. D.* and his foreſaids, to ask, crave, receive, intromet-with, and uplift the haill Debts, Sums of *Money*, and other Goods and Gear Eſcheatable above-ſpecified, and likewiſe all Sums of *Money*, and due by vertue of the ſaid Adjudications, Appryſings, Wodſets, heretable and movable Bonds, and other Writs, particularly and generally above-ſpecified; and likewiſe all Teinds and Teind-duties due to him by vertue of the Tacks, Aſſedations, Decreets and other Rights above-written, and thereupon to diſpone at their pleaſure, and to call and purſue therefore as accords of the Law, and to occupy the ſaids Lands with their own Goods, or ſet the ſamen to Tennents, as they ſhall think expedient, with Courts, Plaints, Herezelds, Free Iſh and Entry, and with all and ſundry other Commodities, Freedoms, *&c.* freely, quietly, *&c.* but *Revocation*, *&c.* And that the foreſaid Letter be farder extended in the beſt Form, with all Clauſes needful. *Given at the Court at* Windſor *the 9th day of* June 1686, *and of his Majeſties Reign the 2d year.*

WARRAND for a yearly Penſion of 200 *lib. Sterling*, to *J. C.* of *M.* as one of the three Collectors and Receivers, and as one of the three Pay-maſters in *Scotland.*

OUR SOVERAIGN LORD, *with the ſpecial advice and conſent of* (here inſert the Conſents of the Exchequer according to the Conſtitution for the time, and then ſay) *Ordains a Letter to be made, and paſt under the Privy Seal of his ancient Kingdom of* Scotland, *giving, granting and diſponing; Likeas His Majeſty by theſe preſents* (with advice and conſent foreſaid) *gives, grants and diſpones unto J. C. of M. as one of the three Receivers and Collectors of His Majeſties Rents, Revenues, Cuſtoms and Caſualities whatſoever, within his ſaid Kingdom, and as one of the three Pay-maſters of all his ſtanding Forces already Levyed, or hereafter to be Levyed within his ſaid Kingdom, a yearly Penſion of two hundred pounds* ſterling *money, to be payed unto him at two Terms every year*, Whitſunday *and* Martinmas, *by equal Portions, whereof*

whereof the first Terms Payment is to be at Whitsunday *next ensuing the date of these presents, and so-furth to continue yearly and termly thereafter, during His Majesties pleasure only*; Commanding *hereby the saids Lords Commissioners, and all other Collectors and Receivers of his* Majesties *Rents, Revenues, Customs, Casualities, Profits and Duties whatsoever within his Majesties said Kingdom, for the time-being, readily to answer and pay the foresaid Pension (in manner and during the space already mentioned) unto the said* J. C. *whose Receipt for the same, in whole or in part, shall be to them respectively, and to the Lords Auditors of their Accompts for allowing the same a sufficient Warrand. And his Majesty Ordains the said Letter to be furder extended, in the most ample and best Form, with all Clauses needful.* Given at the Court at *White-hall* the 27 day of *February* 1686, and of His Majesties Reign the 2 year.

LETTER of Exoneration, in favours of S. J. F. *as to his concern in the Mint.*

OUR *SOVERAIGN LORD*, with the special Advice and Consent of his Majesties right Trusty, and right well beloved Cousin and Counsellour *W. D.* of *&c.* Lord high Thesaurer, Comptroller, Receiver and Collector general of his Majesties Rents, Casualities and new Augmentations, of his Highness ancient Kingdom of *Scotland*, and of his Majesties right Trustie and well beloved Cousin and Counsellour, *J. E* of *K. &c.* His Majesties Thesaurer-Deput, in all the said Offices, and als of the remanent Lords and others of His Majesties Exchequer of the said Kingdom, His Highness Commissioners; Ordains a Letter of Exoneration and Discharge, to be made and granted under his Highness Privy Seal of the said Kingdom, in due and competent Form, *Making mention*, that for as much as, in a Pursuite commensed before the Lords of his Majesties Council and Session, at the instance of *Sir G. M.* of R. his Majesties Advocat, by expres Warrand of his late Majesty King *Charles* the second (of ever blessed Memory) against *C.* now *E.* of *L.* and R. *L. M.* his Sone as Generals, *S. J. F.* Master, and *A. F.* Counter-warden, and other Officers of the Mint of the said Kingdom, for several Malversations and Abuses committed by them in the said Mint, the ways and manner mentioned in the Lybel, or Summonds raised thereanent; the saids Lords by their Decreet, dated the 20 day of *March* 1683 —— years, decerned the said *C. E.* of *L.* and —— *singulos in solidum*, for twenty shilling of free Profite upon the pound upon the fourteen Thousand Stone coyned the first Copper Journey, more than was allowed by the Warrands from his Majesty, and his Secret Council, extending to the sum of two hundred and twenty four thousand pounds usual money of the said Kingdom of *Scotland*, and decerned the said *E.* of *L. L. M. S. J. F.* and *A. F. singulos in solidum*, for the sum of twenty shilling *Scots* of free money upon the pound of the Number of five thousand four hundred fourty four Stone coyned, more than was allowed by his said late Majesty, and Secret Councils Warrands, the second Copper Journey, before the Act of Indemnity, extending to the sum of fourscore seven thousand, nine hundred and four pounds money foresaid, and for the thirty two shilling, on the pound of the three thousand nine hundred ninety nine Stone, coyned after the Act of Indemnity, extending to the sum of one hundred, twenty three thousand ninety eight pounds, eight shilling money foresaid, and for the nine thousand five hundred thirty two pound four shilling money above-written, for the difference of the Finness of the Money from the indented Standart-Plate, and for the sum of one hundred fourty three thousand, seven hundred

twenty ſix pounds money foreſaid, as the Value of one hundred eighty two Stone, two Ounces and two Drops of Chiſel-heads, Sweeps and Scraps coyned without Eſſay ſince the Act of Indemnity, and for the ſum of five thouſand three hundred eighty ſix pounds money foreſaid, as the Difference of the *Dean* of Guilds Weights from the *ſcots* Pile, and for the ſum of ſix thouſand ſix hundred pounds money foreſaid, for the Remedies of Weight of the Silver coyned from the —— day —— 16 and —— years, to the firſt day of *September* 1673 —— — and for the ſum of twelve thouſand three hundred ſixty eight pound thirteen ſhilling four pennies money foreſaid, as the Profite of the Exaltation, by the crying up of the Money, and for the ſum of fourty three thouſand, two hundred eighty ſix pound money foreſaid, as the twelve ſhilling upon the Ounce of two hundred eighty one Stone, twelve pounds fifteen Ounces, and ten Drops of Dollars and Ducatdowns, melted from the 17 day of *January* 16 and —— years, until *January* 1682 years, and for the Value of the ordinar Annualrent of the twenty thouſand Merks, and the Annualls of the ſaid Annualrent *pro rato*, as following, *viz.* againſt the ſaid *E.* of *L.* from the year 1662 —— (and that the Stock was appointed by his late Majeſty) uutil *September* 1682, extending to the ſum of twenty five thouſand and ſix hundred pounds money foreſaid, and againſt the ſaid L. M. ſince the —— day of —— 1668, and againſt the ſaid *S. J. F.* ſince the entry to his Office of Maſter of the *Mint*, and decerned againſt the ſaid *E.* for the ſum of four thouſand nine hundred pounds money foreſaid, received in double payment of his three years Sallary, with the Value of the ordinary Annualrent thereof, extending in all to the ſum of ſeven thouſand nine hundred twenty one pounds, ten ſhilling money foreſaid; and for the ſix hundred pound *ſterling* contained in the Ticket granted by the ſaid *S. J.* to the ſaid *E.* with the Annualrent thereof, from the firſt day of *January* 1679 —— extending to the ſum of eight thouſand nine hundred twenty eight pound money foreſaid, and aſſoilzeing the ſaid L. *M.* and *S. J. F.* from the ſaid Libel, in ſo far as concerns the firſt Copper Journey, and aſſoilzied the ſaid Lord M. from the Annualrent of his *Majeſties* Stock of twenty thouſand Merks, and the Annualls thereof for the years preceeding the —— day of —— 1668 —— and aſſoilzied the ſaid *S. J. F.* for the years preceeding his entry to his Office of Maſter of the *Mint*, and aſſoilzied the whole Defenders from the Annualrents of the ſums, contained in the other Articles of the Lybel, except as to his Majeſties Stock, the double payment of the ſix hundred pound *ſterling*, contained in the ſaid *S. J. F.* his Ticket to the ſaid E. of L. in manner, and for the Cauſes more fully and amply ſpecified, and contained in the ſaid Summonds or Lybel commenced before the ſaid Lords, and Decreet following thereupon, of the date above-ſpecified, or of whatſoever other date, Tenor, Contents, Nature or Quality the ſame be of, all here holden as for expreſſed, *brevitatis cauſa*; And His *Majeſty* conſidering, that after pronouncing the ſaid Decreet, and Report thereof made to his ſaid late *Majeſty*, He by a Letter of the date at — the 21 day of *March* 1682, appointed and gave to S. *W. S.* ſuch ſums as ſhould ariſe by the ſaid *S. J.* Accompts of Bullion from the firſt day of *November* 1675 to the firſt of *November* 1680, and of an hundred thirty three Stone not accompted for by him; And by his other Letter of the 30 of *September* 1684, bearing, that the ſaid *S. J.* was found Debitor to his ſaid late *Majeſty* in three thouſand pound *ſterling* of Ballance, for Bullion, for which he gave Security to the ſaid *S. W.* and approved of the ſame; and his ſaid late Majeſty, by his other Letter of the date the 26 day of *December* 1683, appointed the Es. of *M.* and *M.* to be payed of three thouſand pound *ſterling*, out of the ſaid S. *J.* and —— of — their Fines, and which Letters are direct to the Lords Theſaurers, Principal and Deput; and accordingly the ſaid S. *J. F.*

has

has given obedience, by ſatisfying and ſecuring S. *W.* S. and by paying in the Remainder to *H. W.* his Majeſties Caſh-keeper: Likeas, His Majeſty has upon the day and date of theſe preſents, been graciouſly pleaſed upon the Conſiderations therein mentioned, to grant to the ſaid S. *J.* a full, free and ample Remiſſion and indemnity of all Malverſations, Delicts, Crimes of Omiſſion or Commiſſion, omitted or comitted by him in the ſaid Office, and that as well treaſonable Crimes, as the other Crimes committed by him in relation thereto, or whereunto he was acceſſory, Airt and Part, by any manner of way of whatſoever Nature the ſaid Crimes be of, whether Treaſonable or Capital, or inferring arbitrary puniſhment, or pecunial Fines in manner more fully ſpecified in the ſaid Remiſſion; And likeways, His Majeſty conſidering the ſaid *S. J.* his ready and chearful Obedience given to his ſaid late Majeſties Letters aforeſaid, and notwithſtanding that the ſaid ſums ſo payed and ſecured by the ſaid *S. J.* be a very inconſiderable part of the ſums decerned to his ſaid late *Majeſty*, or which might have been decerned to his Highneſs, yet His Majeſty being willing to put a Character of his *Royal* Favour upon him, and that he and his Family may not altogether be extinguiſhed, but have ſome ſubſiſtance in a World, and to enable and encourage them to do and perform to his *Majeſty* and *Royal* Succeſſors, all Loyal and dutiful ſervices for the future, and thereby trace the Veſtiges of the deceaſt *A. L. H.* of whoſe Family he is deſcended, and of whoſe great Sufferings for the Crown, His Majeſtie is alwiſe mindful, as is more fully ſpecified in the ſaid Remiſſion and Indemnity; *Therefore* of his *Majeſties* free and Royal Bounty, Clemency and Goodneſs, and of his prerogative Royal, certain Knowledge and proper Motive, Exonering, quit-claiming, and forever Diſcharging; Likeas, his *Majeſty* with conſent foreſaid, by theſe preſents, for him and his *Royal* Succeſſors, Exoners, quite-claims, and freely and ſimpliciter diſcharges the ſaid *S. J.* F. and his Heirs, Executors and Succeſſors for ever, in all time coming, of the foreſaid *Decreet* pronounced before the ſaids Lords, of the Date, Tenors and Contents above-ſpecified, or of whatſoever other dates, Tenors and Contents the ſame be of, and of the haill Sums of Money Principal Annualrents, and of the Annualrents of the ſaids Annualrents therein contained, and thereby found due and decerned by the ſaids Lords, and ſpecially but prejudice of the generality foreſaid of the ſums decerned in relation to the ſaid *Bullion* appointed by his ſaid late Majeſty, for increaſing and maintaining of the Stock of Coynage, and not imployment of the ſums of *Money* appointed to be payed in to the Mint, by the Merchants of the ſame in manner as was deſtinated by his ſaid late Majeſty, and in relation to the melting down any of the current Coyn of the Kingdom, and in relation to the ſum of Money allowed by his ſaid late Majeſty, as a Stock for buying in of Bullion from time to time, and not exchanged as it ought to have been, and in relation to the coyning of Money below the Finneſs of the indented Standart Plate, and in relation to the making uſe of Weights different from the Pils of Weights, ſent down by his late *Majeſty* to the *Mint* of *Scotland*, to be the *Rule* of the Weights there, and in relation to the making uſe at any time of the Dean of Gild of *Edinburghs* Weights, which is different from the *ſcots* Pile, and in relation to the coyning of *Money* upon the Remedies, either of Weight or Finneſs, or Troning of the Peices upon the Remedies, or beyond them, under the juſt Weight; and in relation to the receiving of the Bullion from the Merchants by the Dean of Gilds Weights of *Edinburgh*, which are heavier than the *ſcots* Troy Weight, and the paying of the *Merchants* for their Bullion by Tale, whereas they ſhould have been payed by the Kings Coyn in the Ballance, before the Act of Parliament in the year one thouſand ſix hundred ſixty nine, anent the Bullion; and in relation to the cutting of the Peices reſerved in the *Pix*, that ſome Tryal that way might be

made of the *Money* coyned; and in relation to the Coyning of more Copper or Black-money than was contained in the Acts of Parliament and Council, which was the Warrand for Coyning thereof; and in relation to the Profit of the Exaltation of the *Money*, by the crying up of the Coyn of the ſaid Kingdom to paſs at a higher *Rate* than formerly; and in relation of giving any Bud or Bribe to any Officers of State, or others whatſoever, for procuring Allowance or Payment of any Accounts relating to the Mint; and in relation to any Profite or Advantage, that might any ways ariſe or redownd to the ſaid *S. J.* by any of the foreſaid Acts or Deeds of *Malverſation*, or other Crimes above-mentioned, and of all the ſums of *Money* and other Articles mentioned in the ſaid Proceſs or Decreet, and likeways of all other ſums competent to have been libelled, and might have fallen due to his *Majeſty*, or that upon any diſcovery whatſoever may hereafter appear to be due and belong to his Highneſs, and Annuals of the ſaids ſums bygone, and in time-coming, and of all other *Commodities*, Emoluments, Profits, Fines, or others whatſoever, that may or can ariſe or accreſce to his Majeſty, by and through any of the Crimes, Faults, Malverſations, Miſdemanners and Abuſes, particularly and generally contained in the ſaid Remiſſion, or by and through any civil *Cauſe* mentioned in the ſaid Decreet and Proceſs, and of all other Action, Purſuite, Inſtance or Execution whatſoever competent, or that may be competent to his *Majeſty* and his Royal Succeſſors, in all or either of the particulars, Circumſtances and Matters, particularly and generally mentioned in the ſaid *Decreet* and Proceſs, or that can be otherways, and over and above the ſame, any ways laid to his charge; and eſpecially but prejudice of the ſaid generality of all Bullion, or Money received in lieu of Bullion, or that might have been received by the ſaid S. *J.* from Merchants, Collectors, Taxmen, or others preceeding *September* 1682; And *Declares* and Decerns the ſaid *S. J.* and his foreſaids, fully, freely and abſolutely quite thereof, and free and liberat therefrom, and for ever exonered and diſcharged of the ſame in all time coming, reſerving always to his *Majeſty* and his foreſaids, the Benefite of the Obligement granted by the ſaid *S. J.* to his Majeſties Lord high Theſaurer, and Theſaurer-Deput, dated the 3 of *September* 1684, for coyning the particular Quantity of Bullion therein expreſt, when the Mint ſhall be opened, as being excepted furth of the ſaid Exoneration and Diſcharges, and no ways comprehended therein; and likeways reſerving *Power* to his Majeſty and his foreſaids, and their Theſaurer-*Principal* and Deput, to call and purſue the other Perſons decerned in the ſaid Decreet *in ſolidum* for the ſums contained therein, ſo far as they are not payed and ſatisfied by the ſaid *S. J.* and as none of them may recur againſt him or his foreſaids, for *Relief* of any part of the ſums for which they ſhall be ſo diſtreſſed, in reſpect his *Majeſties* full purpoſe, and of certain knowledge and proper *Motive* is, to ſecure hereby the ſaid *S. J.* and his foreſaids againſt the ſame for ever in all time coming; And moreover, his *Majeſty* with conſent foreſaid, in reſpect of the ſaid payment or *Security*, and other Cauſes foreſaid, by theſe preſents aſſigns the ſaid *S. J.* and his foreſaids, to all Bullion and ſums of money due upon the account of the Bullion before the *Month* of *November* 1680, lying out in Tackſmen, Collectors, *Merchants*, or other hands and due preceeding the ſaid time, whether by Account, Bond or Ticket, either granted to his *Majeſty*, or to the ſaid *S. J.* as *Maſter* of the ſaid Mint, or to any other perſon or perſons for his *Majeſties* behove, and in and to the ſaid Bonds, Tickets and Accompts, and all Annual-rent due on the Accompt thereof, either by Obligation, Law or Cuſtom, and all Action, Purſuite, Inſtance and Execution whatſoever competent, or that may be competent to his Majeſty or his foreſaids thereupon, with all that has followed or may follow on the ſame for now and ever: And Appoints his

Majeſties

Majeſties Lord high Theſaurer, and Theſaurer-Deput, to grant Letters of Relief and payment to the ſaid *S. J.* and his foreſaids from time to time as to what relating to the ſaid Bullion, and the Lords of Council and Seſſion to grant to him and his foreſaids, all Letters, Execution and Diligence, upon all Bonds and Obligations, not relating to Bullion, but really granted for that Cauſe, and recommends to both Judicatures not to grant Suſpenſion without hearing, and Conſignation in caſe of Suſpenſion: And laſtly, His Majeſty faithfully promiſes *in verbo Principis*, to Ratifie the ſaid Exoneration and Diſcharge in the next enſuing Parliament, requiring his Majeſties Eſtates of Parliament to Ratifie the ſame accordingly. *Given at the Court at* White-hall, *the* 4 *day of* April 1685, *and of his Majeſties Reign the* 1 *year.*

PRESENTATION in favours of Mr. *J.F.* to the Profeſſion of Mathematicks in *St. Andrews.*

OUR SOVERAIGN LORD, *Conſidering that His* Majeſties *deareſt Brother (of bleſſed Memory) did Mortifie Two hundred Pound* Sterling, *to be payed by His* Majeſties *Exchequer yearly to the Univerſity of* St. Andrews, *whereof Fifty Pound* Sterling *was allowed and appointed to be payed to the Profeſſor of the Mathematicks in that Univerſity; Likeas, by the Twenty third Act of his ſaid late Majeſties Third Parliament, holden at* Edinburgh *the* — *day of* — 1681, *there was Impoſed on the Land-Rent of this Kingdom an Half-Months Ceſs, to be Stocked for the uſe of the ſaid Univerſity, and divided in its juſt Proportions to the ſeveral Maſters and Profeſſors in the ſeveral Colledges therein, by the Advice and Authority of His Majeſties Privy Council; and His Majeſty being informed, that the ſaid Profeſſion of Mathematicks is in hazard to Languiſh and Decay through the not due payment of the Sallary ſo deſigned for maintaining thereof, and that the ſamen is now vacant by the Removal of M. W.S. late Profeſſor of the ſaid Mathematicks; and His Majeſty out of the ſpecial regard he has to Promote the ſaid Science, and to give all due and ſutable Encouragment to the Profeſſors thereof, being reſolved to make the ſaids Donations effectual to them, to the end that the Children of His Subjects of Quality and others may be bred up in the ſeveral parts of that Science, which are neceſſary for His Majeſties Service, both by Sea and Land; and being alſo informed of the Qualifications, Skill and Ability of Mr.* J.F. *preſent Profeſſor of Humanity in* St. Leonards *Colledge in that Science*: Therefore *His* Majeſty *Ordains an Letter of Preſentation to be paſt and expede under His Majeſties Privy-Seal, of His Highneſs ancient Kingdom of* Scotland, *in due and competent Form, Nominating and Preſenting, likeas His Majeſty hereby Nominats and Preſents the ſaid* Mr. J.F. *to the ſole Profeſſion of Mathematicks in the ſaid Univerſity in* St. Andrews, *during all the days of his Lifetime, Giving, Granting and Diſponing, of His Highneſs certain Knowledge and proper Motive, to him yearly during the ſaid ſpace, and to his Succeſſors therein yearly thereafter in all time-coming, the Sum of Fifty Pound* Sterling *of Fee and* Sallary, *out of the firſt and readieſt of the Rent of the ſaid Half-Months Ceſs and Lands acquired or to be acquired therewith, in lieu and place of the ſaid Fifty Pound* Sterling *formerly payable to the Profeſſor of Mathematicks in the ſaid Univerſity, out of His* Majeſties *Exchequer yearly, together with all other Fees, Penſions, Caſualities, Profits, Emoluments, Priviledges, Precedencies and Immunities whatſomever, due and belonging to the ſaid Profeſſion, (except the foreſaid Fifty Pound* Sterling *formerly payed out of the Exchequer, in lieu whereof this is granted) or that ſhall hereafter appertain and belong thereto*; With full Power *to the ſaid* M. J.F. *to uplift and receive the ſaids Fees and* Sallaries, *Call and Purſue therefore, and to Uſe and Exerce*

all and ſundry Powers and Priviledges competent and pertaining to the ſaid Profeſſion, als fully and freely as the former Profeſſors therein, or any other Profeſſor of Mathematicks in His Majeſties ancient Kingdom of Scotland *did, do, or might have done heretofore*; Requiring *hereby the moſt reverend the Arch-Biſhop of* St. Andrews *Chancellor, and the Rectors, Principals and* Members *of the ſaid Univerſity whom it concerns, to admit and receive the ſaid* M. J. F. *to the ſaid Profeſſion in the uſual manner*; *and als requiring the Lords of His Majeſties Privy Council, conform to the Power granted to them by the ſaid Act of Parliament, to allocat and appropriat ſo much of the firſt and readieſt Rents of the ſaid Half-Months Ceſs and Lands, acquired or to be acquired therewith, for the uſe of the ſaid Profeſſor, as will pay the ſaid Fifty Pound* Sterling *of Sallary, to the ſaid* M. J. F. *and his Succeſſors in that Profeſſion yearly, beginning the firſt years payment of this Cropt and year of God One thouſand ſix hundred and eighty eight, and thereafter yearly in all time-coming during the ſaid ſpace, and that in lieu and place of the ſaid Fifty Pound Sterling formerly payable to them out of His Majeſties Exchequer*; *hereby Ordaining the Chamberlains and Factors of the ſaid Univerſity, to make payment to him and his Succeſſors of the ſaid Sallary accordingly*; *and that the Lords of Council and Seſſion, grant and direct Letters of Horning and others needful, in Form as effeirs, for payment thereof of this inſtant Cropt, and yearly thereafter in time coming*; *And becauſe of the ſaid Settlement and Deſtination, therefore his* Majeſty *Authorizes, and hereby requires the ſaids Lords of his Privy Council, to divide and proportion among the* Maſters *and Profeſſors of the ſaid Univerſity, the ſaid fifty pound* ſterling, *which was formerly payed to the ſaids Profeſſors, out of the ſaid two hundred pound* ſterling, *payable to the ſaid Univerſity out of His Majeſties Exchequer, and that according to the ſame Proportion, that the ſaid fifty pound* ſterling *payable out of the ſaid half Months Ceſs would have been divided amongſt them, if it had not been appropriated to the ſaid Profeſſor of* Mathmaticks, *in manner above-ſpecified, and that the ſaid Preſentation be paſt, and expede in the beſt Form, and extended with all Clauſes needful.* Given at the Court at *White-hall* the fifth day of *November* 1688, and of his Reign the fourth year.

WARRAND for a Preſentation in favours of Mr. *J. F.* to be Principal of the Colledge of *Glaſgow*, and Parſon of *Govan*.

OUR SOVERAIGN LORD *Underſtanding, that the Colledge of* Glaſgow *is now vacant (without a Principal) by and through the death of Mr.* E. W. *late Principal there, as alſo the Paroch-Church and Parſonage of* G. *lying within the Sheriffdom of* —— *and Presbytrie of* Glaſgow *(the Principal of the ſaid Colledge being in the laſt Foundation thereof declared Parſon of* G. *by King* James *the Sixth of bleſſed memory) ſo that now both theſe Places are fallen in his Majeſties Hands, and at his Gift and Diſpoſition; and being informed of the Literature, Qualifications, Good Life and Converſation of* Mr. J. F *His Majeſties Hiſtoriographer for the Kingdom of* Scotland, *and of his fitneſs to exerce theſe Offices*: Therefore *His Majeſty Ordains a Letter to be made, and paſt under his Privy Seal of that his ancient Kingdom*; *Nominating and preſenting the ſaid* M. J. F. *to be Principal in the ſaid Colledge, and Parſon at the foreſaid Church, and in and to the haill Stipends, Fees, Profits and Caſualities, with the Priviledges, Liberties and Immunities, known and accuſtomed formerly to belong to the ſaid Principal, and that of the Cropt and year of God* 1683, *and ſicklike yearly thereafter during his Life, and ſerving the Cure at the ſaids places, with full power unto him, or his Factors in his name, to*

ask,

ask, crave uplift, and receive, intromet-with, bruik and enjoy the ſame, and thereupon to diſpone at his pleaſure, as fully & freely in all reſpects, as any Principal of the ſaid Colledge, or Parſon of the ſaid Paroch hath, might, or ought to have done heretofore; Commanding *hereby the right reverend Father in God,* Arthur *by divine providence, Lord Arch-Biſhop of* Glaſgow, *& Chancellor of the Univerſity thereof, to take Tryal of the Literature, Loyalty, Piety, good Life and Converſatio of the ſaid* M. J. F. *and being found qualified, to admit him to the foreſaid Imployment, with all convenient Diligence after the ſight hereof, and to all the Stipends, Fees, Profits and Caſualities, with the Liberties, Priviledges and Immunities, known and accuſtomed formerly to belong thereto, to be Bruiked, Poſſeſſed and Diſponed upon, as is above expreſſed, and to cauſe him to Swear and Sign the* Teſt, *appointed by the Act of Parliament, for acknowledging his Majeſties Royal Authority, and Subjection to his Majeſty; and ſicklike to take his Oath for giving due Canonical Obedience to the ſaid moſt reverend Father in God, his Ordinary as uſe is;* Commanding *the Lords of Council and Seſſion, upon ſight hereof, with the Collation and Inſtitution to follow hereupon, to grant and direct Letters of Horning Poynding, and others needful on a ſimple Charge of Ten days only, and that for Anſwering, Obeying, and paying the ſaid* M. J. F. *himſelf, his Factors and Servants in his Name, the foreſaid Stipend and Benefice, as this his Majeſties Preſentation in it ſelf more fully bears; and ſicklike, Commanding the Occupyers and Poſſeſſors of the Manſes at* Glaſgow *and* Govan *to Flit and Remove therefrae, to the effect the ſaid* M. J. F. *may peaceably enjoy, bruik and poſſeſs the ſame: And His Mejeſty Ordains theſe preſents to be extended in the beſt Form, with all Clauſes needful.* Given at the Court at *Windſor-Caſtle* the 13 day of *June*, and of His Majeſties Reign the 36 year.

GIFT of the Office of Sheriff-Deput-ſhip of the Shire of *Forfar*, to *A. C.*

OUR SOVERAIGN LORD *Conſidering, that by his Commiſſion under the Privy Seal, of the date the laſt day of* December 1660 *years, he did Nominat and Appoint* S. J. K. *of* P. *Knight and Baronet, (therein deſigned* J. K. *of* C.*) Sheriff-Deput of the Sheriffdom of* Forfar, *haill Bounds and Juriſdiction thereof, and gave, granted and diſponed to him during all the days of his Lifetime, the ſaid Place and Office, with all Priviledges, Fees, Caſualities, Profites and Duties pertaining and belonging, or which ſhould happen to pertain and belong thereto, in manner at length ſpecified in the ſaid Commiſſion, as the ſame of the date foreſaid at more length bears; and that the ſaid S. J. K. with Conſent of* R. E. *of S. Sheriff-Principal of the ſaid Sheriffdom, has granted and ſubſcribed a Dimiſſion of the Office, containing a Procuratory for Reſigning the ſame in his Majeſties Hands: And Our ſaid Soveraign Lord underſtanding how neceſſary it is that the ſaid Vacancy be ſupplyed, and being ſufficiently informed of the Qualifications and Ability of* A. C. *Brother to* J. C. *of* B. *to exerce the ſaid Office of Sheriff-deput-ſhip within the ſaid Sheriffdom, Therefore Making, Conſtituting and Creating, likeas His Majeſty, by the Tenor hereof, Makes, Conſtitutes and Creats the ſaid* A. C. *during all the days of his Lifetime, Sheriff-Deput of the ſaid Sheriffdom of* Forfar, *with full Power to the ſaid* A. C. *during all the days of his Lifetime, to bruik, enjoy, uſe and exerce the foreſaid Office of the Sheriff-deput-ſhip of the ſaid Sheriffdom, with all and ſundry Priviledges, Preheminencies, Honours, Dignities, Immunities and Juriſdictions whatſoever belonging thereto, ſicklike and als freely as any other Sheriff-deput of any other Shire within the Kingdom of* Scotland *bruiks and enjoys, or has bruiked and enjoyed the like Office in any time by-gone; and for that effect, to ſet, affix and hold Courts at any place within the ſaid Sheriffdom, at whatſoever*

time he ſhall think expedient, for deciding and determining in all Actions and Cauſes, as well Civil as Criminal, Bloods, Batteries, Riots upon Life or Limb, and all other Cauſes whatſoever pertaining to the ſaid Office of Sheriff-deput-ſhip, and to make, creat and ſubſtitute Deputs, and Subſtitutes, one or more under him in the ſaid Office, for whom he ſhall be anſwerable, with Officers, Serjants, Dempſters, and all other Members of Court needful (except Clerks,) and the ſame as oft as need ſhall be, to change, alter and put out at his pleaſure, and to intromet-with, uplift and receive all and ſundry Bloodwits, Eſcheats, Amerciaments, and Iſſues of Court, with all other Fees, Caſualities, Profits and Duties whatſoever pertaining and belonging to the ſaid Office, freely, quietly, &c. *without any Revocation,* &c. *And that the ſaid Letter be further extended in the beſt Form, with all Clauſes needful, in Form as effeirs; and that theſe Preſents be a ſufficient Warrand to the Writer to and Keeper of the Privy-Seal, for Writing of the ſaid Letter and Appending the Privy-Seal thereto, without neceſſity of paſſing any other Regiſter or Seals.* Given at the Court at *White-hall* the 2d day of *February* 168⅛, and of his Majeſties Reign the 34 year.

WARRAND *for a Gift of the Office of Maſter-Falconer, to His Majeſty in* Scotland, *in favours of* J. N. *of* P.

OUR SOVERAIGN LORD, Conſidering that the Place and Office of Maſter-Falconer to His Majeſty within his ancient Kingdom of *Scotland* is now Vacant, and that *J. N.* of *P.* is a perſon very well qualified for exercing the ſame, and particularly for providing, furniſhing and keeping of his Majeſties Hawks: *Therefore* Ordains a Letter of Gift to be made and paſt under the Privy Seal of his ſaid Kingdom, in due Form, Nominating, Making, Conſtituting and Appointing, likeas his Majeſty, by theſe Preſents, Nominats, Makes, Conſtitutes and Appoints the ſaid *J. N.* during His Majeſties Pleaſure only, ſole and only Maſter-Falconer to his Majeſty, and Keeper and Provider of his *Majeſties* Hawks of all ſorts within his ſaid Kingdom; Giving, Granting and Diſponing unto him the ſaid Office, with all Immunities, Priviledges, Caſualities, Profits and Duties thereunto belonging; with full Power to him, by himſelf or his Deputs and Servants under him (for whom he ſhall be anſwerable,) to enjoy and exerce the ſaid Office, during the ſpace foreſaid, as fully and freely in all reſpects as any other his Majeſties Maſter-Falconer within the ſaid Kingdom has, or might have poſſeſſed and enjoyed the ſame at any time heretofore: And his Majeſty, in conſideration of the great Pains and Expenſes which the ſaid *J. N.* muſt be at in diſcharging the Duty of the ſaid Office, has, with Advice and Conſent (*here inſert the Conſents, according to the Conſtitution for the Time, and then ſay*) given and granted, and hereby gives and grants to the ſaid *J. N.* during his continuance in the ſaid Place and Office, a yearly Fee and Penſion of One Hundred Pound *Sterling* Money, whereof Fourſcore Pounds *Sterling* is to be payed unto him yearly, furth of the firſt and readieſt of his Majeſties Rents, Revenues, Cuſtoms and Caſualities whatſoever within the ſaid Kingdom, and the remaining Twenty Pound *Sterling* to be payed to him out of *Orkney*, as the ſame has been in uſe formerly to be uplifted by his *Majeſties* Falconers, together with the Caſualities formerly enjoyed and uplifted out of *Orkney* by *A. S.* and which Fee and Penſion above-written, is declared to be in ſatisfaction of all that the ſaid *J. N.* can ask or pretend to, either for Pains or Expenſes in diſcharging the ſaid Office, out of which he is obliged to pay the Fees of all Under-Falconers and Servants, and is to furniſh Hawks for the King yearly, for the Keeping and Maintaining of which, and Defraying all other Charges relating to the foreſaid

foresaid Place and Office, the said Fee and Fenſon is given by His Majeſty unto him; Requiring hereby His Majeſties said Theſaurer-Principal, Theſaurer-Deput, Receiver general and Caſh-keeper preſent & for the time being, to make payment unto him of the foresaid yearly Fee and Penſion, at two Terms every year, *Whitſunday* and *Martinmas*, by equal Portions, whereof the firſt Terms payment is to be at *Whitſunday* next enſuing the date of theſe preſents, for the half year immediatly preceeding, and ſo furth yearly and termly thereafter during the ſpace foresaid; for doing whereof, this ſhall be to them and the Lords Auditors (for allowing the ſame in their Accompts) a ſufficient Warrand; and His Majeſty hereby recalls all former Gifts and Grants of the ſaid Place and Office, or any part thereof, particularly what was enjoyed by *A. S.* declaring the ſame and every of them, to be void and null in all time coming. And laſtly, His Majeſty Ordains the ſaid Letter of Gift to be furder extended in the beſt Form, with all Clauſes needful, and to be inſerted in the Books of Exchequer in common Form. *Given at the Court at* White-hall *the* 28 *day of* December 1682, *and of his Majeſties Reign the* 34 *year.*

GIFT and PRESENTATION in favours of Archibald *Biſhop of the* Iſles, *to a particular Church within the Diocy of* Glaſgow, *and ſome other Benefices additional to his Biſhoprick, and to ſupply the ſmall Patrimony thereof.*

OUR SOVERAIGN LORD, Conſidering that the Paroch-Church of *Kingarth* lying within the Sheriffdom of *Bute*, and Dioceſs of the *Iſles*, is now Vacant in his Majeſties Hands, as undoubted Patron of the ſaid Kirk and Parochin, by the Traſportation of M. *J. S.* late Miniſter thereat; and that the Chancellor of his Majeſties Chappel-Royal of *Stirling*, is Titular of the Parſonage Teinds of the ſaid Paroch, and that one of the Quiriſters of the ſaid Chappel is Titular of the Viccarage-Teinds of the ſame, and that now (and of a long time by-gone) the ſaids Offices of Chancellor and Quiriſter have been vacant, through the deceaſes of thoſe who were preſented to the ſaids Benefices; and his Majeſty likewiſe conſidering, that the Modefied Stipend payable to the Miniſter of *K.* is very mean and inconſiderable, and that the Biſhop of the *Iſles* (whoſe Revenue by the Iniquity of the Times, is become very ſmall, and far below what is fitting to maintain the Dignity and Expenſe of a Biſhop) is willing to ſerve the Cure of the ſaid Church, and at ſuch time as his Majeſty ſhall think fit to open his ſaid Chappel-Royal, and that the ſame be actually made uſe of, and put in order, to furniſh with an ſutable Maintainance, ſuch able and qualified perſons as ſhall be preſented by his Majeſty to be Chancellor and Quiriſter, whenever his Majeſty ſhall be pleaſed to require him to do the ſame; and his Majeſty being willing to give all due Encouragment to the reverend Father in GOD, *A.* preſent Biſhop of the *Iſles*: *Therefore* His Majeſty Ordains an Letter of Gift and Preſentation to be made and paſt under his Highneſs Privy-Seal, in due Form, not only Nominating and Preſenting, and by theſe Preſents, Nominats and Preſents the ſaid reverend Father *A.* Biſhop of the *Iſles*, during all the days of his Lifetime, to be Miniſter of the ſaid Kirk of *K.* and to the modified Stipend formerly enjoyed by the Miniſters of the ſaid Kirk, and to the Manſe and Gleib of the ſaid Parochin; but likeways Giving, Granting and Diſponing, and by the Tenor hereof, Gives, Grants and Diſpones to the ſaid reverend Father, during all the days of his Lifetime, the haill Teinds, both Parſonage and Viccarage of the ſaid Kirk and Paroch of *K.* and all other Fruits, Rents, Emoluments and Duties belonging, or which have heretofore belonged to, or

has been poſſeſſed by the ſaid Chancellor or Quiriſter, or by the Miniſters of *K.* as Parſons or Viccars of the ſaid Parochin; as likewiſe the haill Title and Right of the ſaid Parſonage and Viccarage, whether the ſame ſubſiſted in the perſon of the Miniſter of *K.* or in the perſons of the ſaids Chancellor and Quiriſter, now vacant in his Majeſties Hands, and at his Highneſs Gift and Diſpoſition, as undoubted Patron thereof, by reaſon foreſaid, or by whatſomever other manner of way the ſamen has vacat or may vake in his Majeſties Hands: *With full Power* to the ſaid reverend Father, to Intromet-with, Up-take and Receive, not only the foreſaid Modified Stipend of the ſaid Kirk and Paroch of *K.* formerly enjoyed by the Miniſters thereof, but likewiſe the hail Teinds, both Parſonage and Viccarage of the ſaid Parochin, and haill other Fruits, Rents, Profits, Duties and Emoluments belonging thereto, or to the ſaid Benefice of Chancellor and Quiriſter, from the perſons adebted and lyable in payment thereof, and that of the Cropt and year of God 1682 years, and yearly and termly in time-coming, during all the days of his Lifetime; *Provided always* that the ſaid reverend Father ſerve the Cure at the ſaid Kirk of *K.* by himſelf or other qualified perſons, and that at ſuch time as his Majeſty ſhall think fit to open his ſaid Chappel-Royal, and that the ſame be actually made uſe of, and put in order, he furniſh with an ſutable Maintainance, ſuch able and qualified perſons as ſhall be preſented by his Majeſty, to be Chancellor and Quiriſter, when-ever he ſhall be required by his Majeſty to do the ſame; *Requiring* alſo the moſt reverend Father in God, the Lord Arch-biſhop of *Glaſgow*, within whoſe Province the ſaid Biſhoprick of the *Iſles* and Parochin of *K.* lyes, to admit and receive the ſaid reverend Father to the ſaid Kirk and Parochin of *K.* and modified Stipend thereof, and Parſonage and Viccarage of the ſame, and Inſtitute, Inveſt and Poſſeſs him thereintill, by the Symbols uſed and accuſtomed in the like Caſes; *And Commanding likewiſe* the Lords of his Majeſties Council and Seſſion, to grant and direct Letters of Horning upon an ſimple Charge of ſix days allanerly, for cauſing the ſaid Biſhop, his ſaid Factors and Chamberlains and others in his Name, be readily anſwered, obeyed and payed of the ſaid modified Stipend and Teinds, Parſonage and Viccarage of the ſaid Kirk and Parochin of *K.* And that the ſaid Gift and Preſentation be further extended with all Clauſes needful. Direct to the ſaid moſt Rerend Father in GOD the Arch-biſhop of *Glaſgow*. *Given at the Court at* Windſor-Caſtle *the 30th day of* Auguſt 1682, *and of his Majeſties Reign the 34th year.*

Nota, *Albeit Arch-Biſhops and Biſhops (as ſuch) have no Collation, or Inſtitution (as ordinary Miniſters,) (their Conſecration being ſufficient,) yet in this Caſe where the Preſentation is to a particular Church, that of Collation and Inſtitution muſt be.*

WARRAND for a Gift to the Counteſs of K. *of the Remains of the Ship* Cormelien, *which were formerly granted to her deceaſed Husband.*

OUR *SOVERAIGN LORD* Conſidering, that His Majeſties Gift of the date at *White-hall* the twenty two day of *November* 1670 years, making mention, that the Ship called *Cormelion*, belonging to the *Eaſt India Company* of *Holland*, was caſt away upon the Coaſt of *Orkney* or *Zetland*, in the time of the late *Dutch War*, and that albeit all Goods and Gear, and the whole Loading of the ſaid Ship, with the Cordage, Tackling, Anchors, or any thing elſe belonging to the ſaid Ship, as alſo the Planks, Timber, or any part of the ſame, which was or may be recovered; Do by the Laws and Practique of that Kingdom belong to His Majeſty; Nevertheleſs, divers perſons at their

their own hands, did moſt unwarrantably meddle and intromet with, and did Steal, Imbazle, and carry away divers Parcells and Quantities of the Goods and Furniture within, and belonging to the ſaid Ship, and have made no Accompt of the ſame, and ſeing the Impunity and Advantage of ſuch perſons (if they ſhould be ſuffered to detain and enjoy what they have ſo unlawfully gotten) might and would be a great Encouragement to them and others to adventure upon the like Practiſes; *Therefore* His Majeſty with advice and conſent of the Commiſſioners of his Theſaury and Exchequer for the time, gave, granted and diſponed to the ſaid deceaſt *E.* of *K.* his Heirs and Aſſigneys, all and whatſoever Cold and Silver Coyned and uncoyned, Stuff, Cloath, and other Ware and Commodities, and others belonging to the ſaid Ship, (except what was intrometted with by the *E.* of *M.* and transferred to the ſaid deceaſt Earl, all Action competent to His Majeſty for recovering of the ſame, as the ſaid Gift bears; And now His Majeſty conſidering, that there was little or no part of the ſaids Goods recovered by the late Earl of *K.* and being willing out of the favour he has to the Family of the ſaid deceaſt *E.* of *K.* to renew the ſaid Gift to Dame *Veronica de Areskin van Sometſdyke*, Counteſs of *K.* *Therefore* His Majeſty with advice and conſent of the Lords Commiſſioners of his Majeſties Theſaury and Exchequer of his ancient Kingdom of *Scotland*, has given, granted and diſponed, and by thir preſents gives, grants and diſpones to the ſaid Dame *Veronica de Areskin van Sometſdyke*, her Heirs and Aſſigneys, all and whatſoever Gold and Silver, Coyned and Uncoyned, Stuff, Cloath, and other Wares and Commodities of whatſoever kind, and all Guns, Cordage, Tackling, Anchors, Planks, Timber, and all other Goods and Furniture whatſoever, which were in, or did belong to the ſaid Ship when the ſame was caſt away, and unrecovered by the ſaid Earl, (excepting always the Gold, Goods, and others within belonging to the ſaid Ship, which were intrometted with by *W. E.* of *M.* and was applyed to his uſe, and for which there was Decreet obtained againſt the ſaid Earl, at the inſtance of his Majeſties Advocat, in behalf of his Majeſty) Likeas, His Majeſty aſſigns and transferrs to and in favours of the ſaid Dame *Veronica de Areskin*, and her foreſaids, all and whaeſoever Action competent to his Majeſty for the ſaid Cordage, Goods, and others which were within, or did belong to the ſaid Ship, or for any part of the ſaid Ship that was or may be recovered: *With power* to the ſaid Dame *Veronica de Areskin* and her foreſaids, to purſue all and whatſoever perſons who have intrometted with the Premiſes, or any part thereof, before the Judges competent, and to enquire and ſearch for the ſaids Goods and others above-written, wherever they can be found; Ordaining and Requiring his Majeſties Judges and Officers to be aſſiſting to them for recovering of the ſame: And likeways his Majeſtie gives Power and Warrand to the ſaid Dame *Veronica de Areskin* and her foreſaids, to uplift and recover from *A. D.* Stewart of the Stewartrie of *Orkney* and *Zetland*, all and whatſcever Goods and others which were within, and did belong to the ſaid Ship, and which were intrometted with by him, or for which he is and ought to be comptable, by vertue of a Commiſſion granted to him by the Lords Commiſſioners of his Majeſties Theſaury in *Scotland* for that effect, which his Majeſty declares to be from hence-furth extinct and void, with Power the ſaid Dame *Veronica de Areskin*, and her foreſaids, to purſue the ſaid *A. D.* for the ſaids Goods and others, which his Majeſty by theſe preſents doth diſpone to the ſaid Dame *Veronica de Areskin*, and her foreſaids, to be uplifted and applyed by them for their own uſe (excepting always, as is above excepted) and declaring the generality foreſaid, to be als ſufficient, as if all the particulars were herein expreſt, and that theſe be extended in the beſt Form, with all Clauſes needful, and that the ſame paſs the Privy Seal of his Majeſties ancient King-

dom of *Scotland*, in the ordinary Form and Manner, in the like caſes accuſtomed; For doing whereof theſe preſents ſhall be to all Perſons who may be therein concerned, a ſufficient Warrand. *Given at the Court at* White-hall *the* 21 *day of* February 1682, *and of his Majeſties Reign the* 34 *year.*

WARRAND for a Commiſſion to Theodor Durie, *to be chief Conductor and Engeneer of the Train of Artillery, and ſecond Engeneer next to the chief Engeneer, and ſecond Lieutennant of the Artillerie.*

OUR *SOVERAIGN LORD*, with advice and conſent of His Majeſties right Truſty. and intirely beloved Couſin and Counſellour, *W. D.* of *Q.* His Majeſties Theſaurer Principal, Comptroller and Collector-General of his *M*ajeſties New Augmentations of his ancient *K*ingdom of *Scotland*, and of *J. E.* of *K.* His *M*ajeſties Theſaurer-Deput, and remanent Lords of his Maje ties Exchequer; Ordains a Letter of Gift to be paſt, and expede under His *M*ajeſties Privy Seal of the ſaid Kingdom, in due Form, Making, Nominating and Conſtituting; Likeas, his Majeſty hereby Makes, Nominats and Conſtituts *Theodor Durie*, Gentleman (of the *French* Nation) now reſiding in *Scotland*, during his *M*ajeſties pleaſure only, chief Conductor and Engeneer of His *M*ajeſties Train of Artillery within the ſaid Kingdom of *Scotland*, now under the Command of His *M*ajeſties right Truſty and well beloved Counſellour, Lieutenant-General *W. D.* of *C.* Maſter of his Majeſties Ordnance of the ſaid Kingdom, and likeways ſecond Engeneer next unto *John Slezer* his *M*ajeſties Chief Engeneer to all his Majeſties Forts, Caſtles and Armies within the ſaid Kingdom and ſecond Lieutenant of the Artillery; giving, granting and diſponing unto the ſaid *Theadore Durie*, the foreſaid Office of Chief Conductor and Engeneer to his Majeſties Train of Artillery (now vacant in his *M*ajeſties Hands, by and through the deceaſe of ——— laſt Conductor and Engeneer of the ſame) and likeways the Office of the ſecond Engeneer (next to the ſaid *John Slezer*) to all his *M*ajeſties Forts, Caſtles, and Armies within the ſaid Kingdom, as occaſion ſhall require; and for making Drawghts and Maps of ſuch Grounds, Forts or Caſtles as ſhall be requiſite for his Majeſties Service within the ſaid Kingdom; As alſo the Office of the ſecond Lieutenant of the Artillery, with all Priviledges, Liberties and Emoluments whatſoever belonging to the ſaids *O*ffices *reſpectivè*, and ſpecially the *S*um of Five ſhillings *ſterling* Money of dayly Pay, to be payed unto him *M*onethly, or Quarterly, as the ſaids Lords *T*heſaurer and Theſaurer-deput ſhall find moſt expedient for his Majeſties *S*ervice, as the Pay and Sallary for the ſaids Offices, which is hereby declared to commenſe and begin from the firſt day of *October* laſt paſt; at which time he did actually enter to His Majeſties *S*ervice in the ſaids Employments: And Ordains the ſaid Gift to be paſt under His Majeſties Privy Seal of the ſaid Kingdom, in due Form, with all Clauſes requiſite. *Given at the Court at* White-hall *the* 30 *day of* March 1685. *and of his Majeſties Reign the firſt year.*

SIGNATURE

SIGNATURE of Preſentatiou in favours of *Dr. J. L.* ſecond Maſter and Profeſſor of Divinity in the New Colledge of *St. Andrews*, to be Principal and firſt Maſter in the ſaid Colledge, called St. *Maries* Colledge.

OUR SOVERAIGN LORD *Underſtanding, that the firſt Maſter or principal Place in St.* Maries *Colledge in the Univerſity of St.* Andrews, *is now vacant in His Majeſties Hands, and become at His Highneſs Gift and Preſentation, by and through the Tranſportation of Dr.* A. R. *late Principal, and firſt Maſter thereof, to the See and Biſhoprick of* Murray: *And His Majeſty being ſufficiently informed of the Loyalty, Literature, Qualifications, Good Life and Converſation of Dr.* J. L. *ſecond Maſter and Profeſſor of Divinity in the New Colledge of St.* Andrews, *and of his fitneſs to be Principal, and firſt Maſter in the ſaid Colledge:* Therefore *his Majeſty Ordains a Letter of Preſentation to be paſt, and expede under his Majeſties Privy Seal of the ſaid Kingdom of* Scotland, *in due and competent Form, Nominating, Preſenting and Appointing; Likeas, his Majeſty by theſe preſents, Nominats, Preſents and Appoints the ſaid Dr.* J. L. *to be Principal and firſt Maſter in the ſaid St.* Maries *Colledge, and to the haill Stipends, Fees, Profits, Emoluments and Caſualities, and to injoy the Priviledges, Liberties and Immunities known and accuſtomed formerly to belong, or what ſhall be found to pertain and belong to the Principal, and firſt Maſter in the ſaid Colledge, and that of the Cropt and year of God* 1688 *years; and ſicklike yearly thereafter during his Lifetime, and exercing as Principal and firſt Maſter of the ſaid Colledge, to be Bruiked, Joyed and poſſeſt by him, ſicklike, and alsfreely in all reſpects, as the ſamen was or might have been enjoyed and poſſeſt by the ſaid Dr.* A. R. *or any others his Predeceſſors, firſt Maſters of the ſaid Colledge; Requiring hereby the moſt reverend Father in God,* Arthur *by Divine Providence, Arch-Biſhop of* St. Andrews, *Chancellor of the ſaid Univerſity, to Admit and receive him to be Principal, and firſt* Maſter *of the ſaid St.* Maries *Colledge, and to the ſaids haill Priviledges, Emoluments, Caſualities, and others above-mentioned, pertaining or belonging, or what ſhall be found to pertain and belong to the ſaid Principal of the ſaid Colledge, and that for the Cropt and year of God above-ſpecified, and yearly thereafter in time coming during his Lifetime, and exercing as Principal, and firſt Maſter in the ſaid Colledge, and to cauſe him to give his Oath, for giving due Canonical Obedience to his Ordinary, Requiring alſo the Lords of Council and Seſſion, on ſight hereof to grant and direct Letters of Horning on a ſimple Charge of ten days, and all other Executorials needful, at the inſtance of the ſaid Dr.* J. L. *againſt all and ſundry lyable, and in uſe of payment of the ſaid Stipends, Fees, Emoluments and Caſualities, belonging and pertaining, or what ſhall be found to pertain and belong to the Principal, and firſt Maſter of the ſaid Colledge, that he, his Factors, Servants, and others in his Name (having Power and Gimmiſſion from him, to receive and uplift the ſamen) may be the more readily anſwered, obeyed and Payed of the foreſaid Stipend, Benefice, Fees, and others above-mentioned, of the Cropts and years of God above expreſt, and yearly in time coming during his Lifetime, and exercieng as Principal, and firſt Maſter in the ſaid Colledge.* Given at the Court at *Windſor* the 3 day of *Auguſt* 1687, and of his Majeſties Reign the 3 year.

WARRAND *for a Gift and Aſſignation of the Tack-Duty of* Orkney *and* Zetland, *to Sir* W. S. *of* S. *until payed of the ſum of* 42812 *pounds Scots money, due to his Uncle Sir* W. S. *of* S. *Caſh-keeper and General-Receiver after adjuſting Accompts.*

OUR *SOVERAIGN LORD* Conſidering, that the Commiſſioners Authorized by Commiſſion of his Majeſties deareſt Royal Brother *King Charles* the ſecond of ever bleſſed memory, under the Great *Seal* of his *Majeſties* ancient Kingdom of *Scotland*, dated the fourteen day of *October* 1681, for auditing the Accompts of the Theſaury, after exact Calculation and due Conſideration of the Accompts, given in by the deceaſed *S. W. S.* of *S.* late *Caſh*-keepet, by their Declaration, Approbation, and Diſcharge written at the end of the ſaid Accompts, of the date the fourth day of *January* 1683, did find, that the Diſcharge did exceed the Charge in the ſum of one hundred and fifteen thouſand four hundred and ninety four pounds nine pennies *ſcots*, and that the ſaid Sum with the Annualrent thereof ſpecified in the ſaid Approbation, ſhould be reimburſed to the ſaid S. *W.* out of the firſt and readieſt of his Majeſties Rents and Duties, *Real* and Caſual, or by any other manner of way his *Majeſty* ſhould think fitting, in regaird the ſaid *S. W.* had fully and clearly inſtructed, and delivered up the Inſtructions of the whole Articles of the Diſcharge of the ſaid Accompt; And therefore the ſaids Lords, according to the Warrand given them by the ſaid Commiſſion, approved the ſaid Accompts, in ſo far as concerned the ſaid *S. W. S.* and exonered him thereof, and declared that to be, not only a ſufficient Exoneration, but alſo a ſufficient Warrand and Right, whereby he might claim the foreſaid Ballance and Annualrent thereof foreſaid, in manner at length mentioned in the ſaid Exoneration; And now ſeing *S. W. S.* of S. Nephew to the deceaſed *S. W. S.* has full and ample *Right* from his ſaid Uncle, to all his Pretenſions to the ſaid Debt: And that his Majeſty is graciouſly reſolved, to take the Perſons and Concerns of the ſaid S. *W. S.* of *S.* into his Royal Protection, both upon the account of his own Loyalty, and forwardneſs upon all occaſions in His Majeſties Service, and in conſideration of the extraordinary Merits and Sufferings of his deceaſed Father, who was moſt barbarouſly Murdered for his conſtant and firm adherence to the true Intereſts of the Crown, and alſo in conſideration of the many faithful Services rendered to his moſt entirely beloved Royal-Brother aforeſaid, by the ſaid deceaſed S. *W. S.* of *S.* both before and after his ſaid late Majeſties happy Reſtauration, with his known Integrity and Diligence in all his Imployments; His Majeſty being graciouſly pleaſed and reſolved to ſettle upon him a ſure and certain Fond, for the ſpeedy and effectual payment unto him of the Sum of Fourty two thouſand eight hundred and twelve pounds *Scots* Money, towards his preſent Releif from the *Preſſures* of his Creditors: *Therefore* His *Majeſty* (with the ſpecial Advice and Conſent of His Majeſties right truſty and right well-beloved Couſins and Counſellors *Ja. E.* of *P.* Lord High Chancellor of *Scotland*, and *J. M.* of *A.* Lord-Keeper of the Privy-Seal, His Majeſties right truſty and entirely-beloved Couſin and Counſellor *W. D.* of *H.* and His right truſty and well-beloved Couſins and Counſellors *G. V.* of *T.* and *W. V.* of *S.* Lords Commiſſioners of His Majeſties Theſaury, and alſo with Advice and Conſent of the Lords and others Commiſſioners of His Majeſties Exchequer,) *Ordains* a Letter to be made and paſt under His Majeſties Privy-Seal of the ſaid Kingdom; Giving, Granting, Aſſigning and Diſponing, likeas His Majeſty hereby Gives, Grants, Aſſigns and *Diſpones* unto the

ſaid

ſaid S. *W. S.* of *S. Maſter* of His Majeſties Mint, his Heirs and Aſſigneys whatſomever (ſecluding Executors) all and haill the Tack-duty of the Iſles of *Orkney* and *Zetland*, and others thereunto belonging, as the ſame is due and payable by the preſent Tackſman or Tackſmen thereof, or may hereafter be due and payable by any other Tackſman or Tackſmen of the ſame, and that ay and until the ſaid S. *W. S.* or his foreſaids, ſhall be fully and compleatly ſatisfied and payed of the ſaid Sum of Fourty two thouſand eight hundred and twelve Pounds *Scots* Money, and Intereſt thereof from the Term of *Candlemas* laſt paſt in this preſent year of God 1686, and in time-coming during the not payment of the ſame, or any part thereof reſpectively, Commencing the firſt years payment of the ſaid Tack-duty for this currant year of God and Cropt 1686; *With full Power*, Warrand and Authority to the ſaid S. *W. S.* and his foreſaids, to call for, uplift and receive the Tack-duty aforeſaid, during the ſpace already mentioned, and thereupon to give Acquittances and Diſcharges, which ſhall be ſufficient to the ſaid Tackſman or Tackſmen, and for that effect, to uſe all lawful Execution and Diligence requiſite and neceſſary, ſicklike and in the ſame manner as might have been done in His Majeſties behalf, either before the granting hereof, or the ſaid Tack, and that either in His Majeſties own Name, or the Names of the Lords Commiſſioners of His Majeſties Theſaury, now or for the time being, or in the Name of the ſaid S. *W. S.* or his foreſaids; Requiring hereby all His Majeſties Officers and Miniſters whatſoever preſent and for the time being, to be aiding and aſſiſting to the ſaid S. *W.* and his foreſaids, to the effect already mentioned; Providing always that the ſaid S. *W.* after payment being recovered by him, or his foreſaids, of the ſaid Sum and Intereſt thereof as aforeſaid, (either by vertue of this Gift and Aſſignation, or upon any other Fond that may be recovered and payed ſooner by the Lords Commiſſioners of His Majeſties Theſaury,) ſhall then and immediatly thereafter, grant a full and ample Diſcharge of the foreſaid Debt, and that then and no ſooner, this Gift and Aſſignation hereby diſponed unto him, ſhall of it ſelf expire and become void and null. And His Majeſty Ordains the ſaid Letter to be furder extended, in the moſt ample and beſt Form, with all Clauſes needful. *Given at the Court at* White-hall *the 12th day of* November 1686, *and of His Majeſties Reign the 2d year.*

TO Conclude this Second Part of the Stiles, Obſerve in the General (as to the Privy-Seal,) That what-ever Relates to Rents or Caſualities, as to an Perſonal Eſtate, and meaner Offices (not of the Crown, or eminent Stations) paſs the Privy Seal, and the King always uſed to have one of every Trade, to ſerve his Royal Family before King James *the Sixth went to* England, *and ſucceeded to that Crown, in the year* 1603, *and to this day ſtill obſerved as Honorary to the Receivers, and as chief Tradeſmen, and called Maſter-Maſon, Maſter-Wright, Maſter-Bower (or Maſter-Armourer,) Maſter-Sclater, Maſter-Glaſier, Maſter-Plumber, Maſter-Painter, Maſter-Sadler (or Upholdſterer,) Maſter-Gun-ſmith, Maſter-Ferrier, Maſter-Cowper, Maſter-Tailor, Maſter-Baxter (or Maſter of His Majeſties Paiſtry,) &c. to His* Majeſty, *within the Kingdom of* Scotland; *and all theſe paſs by way Gift under the Privy-Seal, and each of them have a Yearly-Sallary, but ſeldom payed, and are* per expreſſum *Exempted from all Scotting, Lotting, Watching, Warding, Quartering, Ceſſes, Taxations as to their Dwelling-Houſes and Trade, and the like, and in effect have Acts of Parliament and Council conceived in their favours for that effect, and of theſe Privileges in Poſſeſſion, and when Troubled have Suſpended, and never*

Diſcuſſed: And the preceeding Forms (not further to Inlarge) may be a ſufficient Patern to all other Gifts that may occur, and uſually paſs the Privy-Seal.

The End of the Second *Part.*

To the Lord High Chancellor *of* Scotland, *the* Lord Preſident of the Seſſion, *and remanent* Lords, *Ordinary and Extraordinary Senators of the* Colledge of Juſtice; George Dallas *of* St. Martins, *Author of the whole Work, (whereof this is the* Third Part,) *wiſheth all Tranquillity.*

My LORDS,

AMongſt the reſt of my Dedications, when I begun to Perpend and Ruminat, to whom I ſhould Dedicat this *Third Part* (of the whole Work) conſiſting of *Summonds expede the Signet*, and Debate and Judged by the *Benſh*, I found none more proper (of Subjects) then your Lordſhips, conſidering, that by your Education at Home and Abroad, ye were expert in the Laws, and that by your Pleading for many Years at the Bar, confirmed your Knowledge by Experience, (the great Maſter-peice of Humane Things,) and now by both, no ſmall Inducement to his Sacred Majeſty, (and great Intereſt of the Subjects) to promote from the Bar to the Benſh, from which the Purity of your Juſtice gives ſuch a Luſtre to it, that in the darkeſt Night the Leidges (alſwell as the King) may walk with Safety, and ſee in their Rights and Properties, without fear of Stumbling or Spliting upon Shelves, far leſs the Rocks of Partiality and Injuſtice. I know few or none ever wrote (beſides to expoſe himſelf to the Preſs,) without Cenſure from ſome, (and rather Criticks than the more ſober Spirits,) and I may expect no leſs: And ſhould I meet with it, am not Singular; and only prevent them with this Antedote, that in the whole Work, I intend nothing more then the good of my Country-men, and leave the whole (as a ſmall Memoir of my Self,) that by their Good, I may ſeem Alive, even when Naturally Dead and Interred; and if this do not Satisfy, I uſe one Argument more, that my Deſign is good, and no evil in my Intentions: And he that finds good by it, will (I hope) put the beſt Character and Conſtruction upon it. And to conclude, I put my ſelf under your Lordſhips Patrociny, being moſt able and qualified, either to vindicat the *Stiles*, as conſonant to Law, (and materially the ancient Forms,) or (wherein I may have eſcaped,) palliat and overvale the ſame by your Modeſty and Goodneſs, and lodge it 'mongſt the reſt of the Favours entailed (for many Years) by the *Benſh*, upon

(My Lords,)

Your Lordſhips moſt Humble and Devoted Servant,

GEO. DALLAS.

SUMMONDS
AGAINST
DEBITORS.

PART III.

CHARLES *by the Grace of* GOD, *King of* Great-Britain, France *and* Ireland, *Defender of the Faith*: *To Our Lovits,* ——— *Our Sheriffs in that part, and Meſſengers* reſpectivè, *conjunctly and ſeverally, ſpecially conſtitute,* Greeting; Forasmeikle, *as it is humbly meant and ſhown to us by* A. B. Merchant Burges *of* &c. *that where the perſons* reſpectivè *after-named are Adebted and Reſtand, Awand to the ſaid ſaid Purſuer for himſelf, and having Right in manner after-ſpecified, the Goods, Gear, Debts, Sums of Money, Merchant-ware and others after-mentioned, in manner and for the Cauſes under-written, and of the Avails, Quantities, Eſtimations and Prices after-expreſt, ilk ane of them for their own parts, and according to their ſeveral proportions thereof, as is particularly after divided*; viz. (leave Blank for half Sheet of Paper) *And albeit it be of verity that the foreſaid Goods, Gear, Debts, Sums of Money, Merchant-ware, and others above-ſpecified be as yet truly Adebted and Reſtand, Owand by the ſaids Defenders, to the ſaid Purſuer for himſelf, and as having Right as ſaid is, and that in manner and for the Cauſes above-mentioned, and that he has oft and divers times deſired and required them to make payment and deliverance to him thereof, or of the Avails, Eſtimations and Prices thereof above-written, ilk ane of them for their own parts, and according to their ſeveral proportions of the ſame, as is particularly above-divided; nevertheleſs they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged*: Our Will is herefore, *and We Charge you, That ye lawfully ſummond, warn and charge the foreſaid perſons Defenders particularly above-named perſonally, or at their Dwelling-places on twenty one days warning, to compear* (1) *before Our Lords of Council and Seſſion, at* Edinburgh, *or where it ſhall happen them to be for the time, the* —— *day of* —— *if it be lawful, and failzieing thereof, the next lawful day thereafter following, in the hour of cauſe, with continuation of days, to anſwer at the inſtance of the ſaid Purſuer in the ſaid matter,* that is to ſay, *the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity; and the ſame being ſua verified and proven, to hear and ſee themſelves Decerned and Ordained by Decreet of the ſaids Lords, to make payment and deliverance to the ſaid Purſuer* (6) *for himſelf, and as having Right in manner*

manner foreſaid of the Goods, Gear, Debts, Sums of Money, Merchant-ware, and others above-ſpecified, addebted and reſtand, awand by them to him, in manner and for the Cauſes above-mentioned, or of the Avails, Eſtimations and Prices of the ſame above-written, ilk ane of them for their own parts, and according to their ſeveral proportions of the ſame, as is particularly above-divided, conform to the Laws and dayly Practique of this Realm, uſed and obſerved in the like Caſes in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done: With Certification (3) to the ſaids Defenders if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and Decern therein in manner foreſaid; and if the ſaids Defenders failzie and compear not day and place foreſaid, that ye Meſſengers at Arms *(the firſt Dyet being elapſed) of new again lawfully ſummond, warn and charge them perſonally apprehended upon ſix days Warning, to compear perſonally before Our ſaids Lords at* Edinburgh, *or where it ſhal happen them to be for the time, the —— day of —— thereafter, in the hour of cauſe, with continuation of days, to hear and ſee all neceſſar and lawful Probation led & deduced in the ſaid matter, & to give and depone their Oaths of verity thereuntil, in ſo far as ſhall not be proven by Writ or Witneſſes; with Certification to them if they failzie, they ſhall be holden as confeſt, and Decreet given and pronounced againſt them in the ſaid Matter, according to Juſtice; (4) and for the Coſts and Skaiths ſuſtained or to be ſuſtained by the ſaid Purſuer in the ſaid Matter, and further to anſwer at his inſtance thereintil, in ſo far as Law will, making intimation & certification to the ſaids Defenders as effeirs;* Attour, *that ye lawfully ſummond, warn and charge* (here leave Blank for ſix Lines) *to compear before Our ſaids Lords of Council and Seſſion, the ſaid day and place, in the hour of Cauſe, with continuation of days, to bear leill and ſwithfaſt-witneſſing in the ſaid* Matter, *in ſo far as they know or ſhall be ſpeired at them thereintill, under all higheſt pain and charge that after may follow, as ye will anſwer to us thereupon: The whilk to do, we commit to you, conjunctly and ſeverally, Our full* Power *by thir our* Letters, *delivering them by you duly excute & indorſed again to the Bearer.* Given under Our Signet at *Edinburgh* the —— day of —— and of Our Reign the —— year 1682 years.

Nota, After this, when any Summonds have an Narrative ℣ ——, begin at, That where *brevitatis cauſa.*

SUMMONDS of Mails and Duties at an Heretors Inſtance.

THat where the ſaid Purſuer ſtands heretably Inſeſt, and ſeaſed in all and ſundry the Lands & others after-ſpecified, *viz.* (*here leave Blank for half a ſheet or more, as the Lands may be in number, then ſay*) As the Inſtrument of Seaſin granted to him thereupon, duely Regiſtrat conform to the Act of Parliament, in it ſelf more fully proports; By vertue whereof the ſaid Purſuer has ſufficient, good and indoubted Right and Intereſt to the ſaids Lands, and others foreſaids, and in, and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof, and he ought and ſhould be anſwered, obeyed and payed of the ſame; And true it is, that the perſons *reſpective* aftermamed, Tennents and Poſſeſſors of the ſaids Lands, and others above-ſpecified, with the pertinents, are addebted and reſting, owing to the ſaid Purſuer, the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof aftermentioned, yearly the Cropts and years of God under-written, of the Avails, Quantities, Eſtimations and Prices after rehearſed, ilk ane of them for their own parts, and according to their ſeveral proportions, Occupations and Poſ-

ſeſſions

ſeſſions of the ſame, as is particularly after-divided, *viz.* (*here leave Blank for half ſheet, and then ſay*) And albeit it be of Verity, that the ſaid Purſuer has oft and divers times deſired, and required the ſaids Defenders, Tennents and Poſſeſſors of the ſaids Lands, and others foreſaids, to have made payment to him of the ſaids Mails, Farms, Kains, Cuſtoms, Caſualities, profits and Duties, yearly, the Cropts and years of God above-ſpecified, or of the Avails, Eſtimations and Prices of the ſame above-mentioned, ilk an of them for their own parts, and according to their ſeveral Proportions, Occupations and Poſſeſſions, in manner foreſaid, and as is particularly above divided, as ſaid is, and of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties, yearly in all time coming during their Occupation and Poſſeſſion, conform to his ſaid Right and Infeftment, Laws and daily Practique of this Realm, in all Points; Nevertheleſs, they wrongouſly refuſe, poſtpone, and defer to do the ſamen, without they be compelled, as is alledged: *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the forenamed Perſons Defenders *viz.* (*leave blank for eight Lines and more, if many Tennents, and then ſay*) perſonally, or at their Dwelling-places, on twenty one days warning, to compear (*here take in from this* (1) *Figure in the former Summonds, till ye come to the* (6) *Figure, and then ſay*) of the ſaids Maills, Farms, Caynes, Cuſtoms, Profits and Duties above-ſpecified, of the Lands and others above-mentioned, yearly the Cropts and years of God above-written, or of the Avails, Eſtimations and Prices of the ſame above-rehearſed, ilk an of them for their own parts, and according to their ſeveral Proportions, Occupations and Poſſeſſions thereof, as is particularly above divided; and ſicklike of the like Mails, Farms, Caynes, Cuſtoms, Caſualities, Profits and Duties yearly in time coming during their ſaid Occupation and Poſſeſſion, conform to his ſaid Infeftment, Laws and Practique of this Realm in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done; With Certification (*here take in from this* (3) *Figure till ye come to this* 4 *Figure in the former Summonds, and then ſay*) According to Juſtice, as ye will anſwer to us thereupon, the whilk to do, we commit to you conjunctly and ſeverally our full Power, by thir our Letters delivering them by you, duely Execute, and Indorſt again to the Bearer. *Given under our Signet at* Edinburgh, the —— *day of* —— *and of our Reign the* —— *year* —— 1682.

Nota, *The Reaſon why I Inſert in the former Summonds* (after according to Juſtice) theſe Words and for the Coſts and Skaiths, *&c.* and then a Warrand to cite Witneſſes, is, *to let you ſee that was the ancient Stile, but not ſo now, the firſt being in-deſuetude by moſt Writers, and the laſt by Law; For now Witneſſes get a ſummar Charge of Horning, and afterwards Caption follows to make ſummar Proceſs, and the ſecond Dyet is in place of Act and Letters* (*the ancient Cuſtom of this Kingdom*) *after the firſt Summonds was execute, but now abrogat by Act of Parliament.*

SUMMONDS of Mails and Duties at the Inſtance of a Lifetentrix.

THat where the ſaid Purſuer ſtands in Infeft in Liferent, during all the days of her Lifetime, in all and ſundry the Lands and others after-ſpecified (viz. (here leave a Blank for the Lands which are to be inſert as they are in her Seaſin, and then ſay) *As the Inſtrument of Seaſin granted to her thereupon duely Regiſtrat conform to the Act of Parliament, in it ſelf more fully proports;*

by vertue whereof, the ſaid Purſuer has ſufficient good and indoubted Right and Intereſt to the ſaids Lands, and others foreſaids in Liferent, during all the days of her Lifetime, and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof ſince the Term of —— 16 —— *years, (being the firſt Term preceeding her Husbands deceaſe) and yearly and termly thereafter, in all time coming during the ſaid ſpace, and ſhe ought and ſhould be anſwered, obyed and payed thereof; And true it is, that the Perſons reſpective aftername, Tennents and Poſſeſſors of the ſaids Lands, and others foreſaids, are addebted and reſting, owing to her the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof yearely, the Cropts and years of God afterſpecified, of the Avails, Quantities, Eſtimations and Prices under-written, ilk ane of them for their own parts, and according to their ſeveral Proportions, Occupations and Poſſeſſions of the ſame, as is particularly after divided* viz. (here leave Blank for half ſheet, and then ſay) *And albeit it be of verity, that the ſaid Purſuer as Liferentrix foreſaid, has oft and divers times deſired, and required the forenamed Perſons Defenders, Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, to have made payment to her of the ſaids Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof yearly, the Cropts and years of God above-ſpecified, or of the Avails, Eſtimations and Prices of the ſame above-mentioned, ilk un of them for their own parts, and according to their ſeveral Proportions, Occupations and Poſſeſſions of the ſame, as is particularly above divided; And ſicklike of the like Duties, Cuſtoms and Caſualities yearly in time coming during her ſaid Lifetime, and their ſaid Occupation and Poſſeſſion, conform to her ſaid Right and Infeftment, Laws and Practique of of this Realm in all Points; Nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame without they be compelled, as is alledged: Our Will is therefore, and we Charge you, that ye lawfully Summond, Warn and Charge the forenamed perſons Defenders particularly above-named,* viz. (leave Blank for ſix Lines, and then ſay) *perſonally, or at their Dwelling-places, on twenty one days Warning to compear* (here take in from the (1) Figure in the firſt Summonds, till ye coms to the (6) Figure, and then ſay) *as Liferentrix foreſaid of the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the Lands, and others above-ſpecified yearly, the Cropts and years of God above-mentioned, or of the Avails, Eſtimations and Prices of the ſame above-written, ilk ane of them for their own parts, and according to their ſeveral Proportions, Occupations and Poſſeſſions of the ſame, as is particularly above-divided; And ſicklike of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties, yearly in time coming, during her ſaid Lifetime, and their Poſſeſſions after the Form and Tenor of her ſaid Infeftment, Laws and Practique of this Realm, in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done; With Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and decern therein in manner foreſaid; and if the ſaids Defenders failzie, and compear not, day and place foreſaid, that ye Meſſengers at Arms* (here follow furth the ſecond Dyet as in the firſt Summonds, till ye come to according to Juſtice, and then ſay) *as ye will anſwer to us thereupon, and conclude accordingly.*

Nota, Some Women are by their Contract and Infeftment thereon, provided to the firſt Cropt after their Husbands Deceaſe, and others to the Cropt wherein their Husbands Deceaſe, and others to the half of that Cropt; And as to theſe, the Contract and Infeftment muſt be the Rule, and ye would Libel accordingly: But if there be no particular Condiſcenſion, then the Law rules it, for if the Husband deceaſe before *Whitſunday*, that haill Cropt is hers, and if after, and before the *Martinmas*, the half is only hers.

SUMMONDS

SUMMONDS of Mails and Duties at the Inſtance of an Appryſer or Adjudger and if an Appryſer, Libel thus.

THat where by Decreet and Proceſs of Appryſing, led and deduced within the New Seſſion-houſe of *Edinburgh*, before —— Meſſenger Judge and Sheriff in that part, and his Colligues upon the —— day of —— —— years, the ſaid Purſuer obtained, lawfully Appryſed to him, his Heirs and Aſſigneys whatſoever hereritable, fra *A.B.* of —— his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the matter, all and haill the Lands and others after ſpecified, *viz.* (*here inſert the Lands as in the Appryſing, and then ſay,*) with the Teinds, Parſonage and Viccarage of the ſaids Lands and others foreſaids, and that for payment and ſatisfaction to the ſaid Purſuer, and his foreſaids, of the Sums of Money Principal Annualrents and Expenſes contained in the ſaid Appryſing, extending at the term therein ſpecified, to the Sum therein mentioned, and that as for the Principal, and of the Sheriff-fee effeirand thereto due to the ſaid Meſſenger and his Colligues, for execution of their Office in the Premiſſes, conform to the Act of Parliament, extending to the Sum therein expreſt *ſalvo juſto calculo*, as the ſaid Decreet and Proceſs of Appryſing of the date foreſaid, ſeen and allowed by our Lords of Council and Seſſion, and by them found orderly proceeded, in manner written on the back thereof, upon the —— day of —— in it ſelf more fully proports; by vertue whereof, the ſaid Purſuer has ſufficient good and undoubted Right and Intereſt, in, and to the ſaids Lands, and others above Appryſed, with the Pertinents, and in, and to the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof, of the Crop and year of God 16 —— years, and yearly ſinſyne, and in time coming, (if the Legal be not expired, and at leaſt during the not Redemption) and he ought and ſhould be anſwered, obeyed and payed thereof; And true it is that the perſons reſpective afternamed, Tennents and Poſſeſſors of the ſaids Lands, and others foreſaids, are Addebted, and Reſting, Owing to the ſaid Purſuer as Appryſer foreſaid, the Mails, Farms, (2) Caines, Cuſtoms, Caſualities, Profits, and Duties of the ſaids Lands, and others foreſaids yearly, the cropts and years of God after-ſpecified, of the Avails, Quantities, Eſtimations and Prices, after-mentioned, ilk ane of them for their own parts, and according to their ſeveral Proportions, Occupations, and Poſſeſſions thereof, as is particularly after divided, *viz.* (*here leave Blank for a ſheet, and then ſay*) And albeit it be of Verity, that the ſaid Purſuer as having Right in manner foreſaid, has oft and divers times deſired and required the forenamed perſons, Tennents and Poſſeſſors of the ſaids Lands, and others foreſaid, to have made payment to him of the ſaids Mails, Farms, (1) Kains, Cuſtoms, Caſualities, Profits and Duties yearly, the Cropts and years of God particularly above-ſpecified, or of the Avails, Eſtimations and Prices of the ſame above-mentioned, ilk an of them for their own Parts, as ſaid is; And ſicklike to make payment to him of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties, yearly for the future during his Right and their Poſſeſſion; Nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame without they be compelled, as is alledged. *Our Will is therefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the fore-named perſons Defenders, particularly above named, *viz.* (*leave Blank for a quarter of a ſheet, and then ſay*) perſonally, or at their Dwelling-places, on twenty one days warning, to compear (*here take in the Stile of the firſt Summonds from the* (1) *Figure till ye come to the* [6] *Figure, and then ſay*] as having Right by Appryſing in

manner foreſaid, of the ſaid haill Mails, Farms [*take in the Subſumption above-written from this* [1] *Figure, till ye come to* Nevertheleſs, *and then ſay*) (3) conform to his ſaid Decreet and Proceſs of Appryſing, Allowance and Approbation written on the back thereof (7) Laws and daily Practique of this Realm, in all points, or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done: With Certification, (*here take in the Certification and ſecond Dyet, as in the firſt Summonds from this* (3) *Figure to the* (4) *Figure, and then ſay*, According to Juſtice, as ye will anſwer to us thereupon, *and conclude in common Stile.*

Nota, *If Infeftment followed upon the Appryſing, then ye muſt Libel that part thereof thus, before the Words* (By vertue whereof) *add theſe, and conform whereunto, and Charter following thereupon under the Great Seal, containing Precept of Seaſin, dated the* &c. *day of* &c. 16 &c. *years; the ſaid Purſuer was upon the —— day of —— 16 —— years, lawfully Infeft in the ſaids Lands, and others above appryſed, with the Pertinents, as the ſaid Charter and Inſtrument of Seaſing following thereupon, duely Regiſtrat conform to the Act of Parliament, in themſelves alſo more fully is contained.*

Nota, *If a Subject be Superior, and not the King, then in place of what ſaid, Libel thus, in the ſame place, and by vertue whereof and Charter following thereupon, granted to the Purſuer by —— Supperior of the ſaids Lands & others foreſaids, dated the —— day of —— 16 —— years, and containing Precept of Seaſin in the end thereof, he was upon the —— day of —— 16 —— years, lawfully Infeft therein, and his Seaſin duely Regiſtrat conform to the Act of Parliament, as the ſaid Charter and Seaſin in themſelves more fully is expreſt.*

Nota, *If ſome of the Lands hold of the King, and others of Subjects, and that both grant Charters, whereupon Seaſin follows, then Libel thus,* Curtlie *at the ſame place, and conform whereinto, and Charters following thereupon under the Great Seal, as to what holden of us; And likeways granted by —— as Superiors of the remanent Lands, and others holden of them, the ſaid Purſuer was lawfully Infeft in the ſaids Lands, and others foreſaids, and his reſpective Seaſins thereof duely Regiſtrat conform to the Act of Parliament, as the ſaid reſpective Charters and Seaſins in themſelves more fully proport;* And then proſecute the Stile, only add at the (7) Figure, Charters and Seaſins following thereupon.

Nota, *It is like ſome Appryſers charge with Horning, the (Superiors being Subjects) but have not procured Charters; In which Caſe, before the words* By vertue whereof, *add theſe Words;* Whereupon the ſaid Purſuer raiſed Letters of Horning againſt —— Superiours of the ſaids Lands, and others foreſaids, and by vertue thereof cauſed —— Meſſenger upon the —— day of —— 16 —— years, lawfully charge them to Infeft and Seaſe the ſaid Purſuer, and his foreſaids therein, and grant Charters to them for that effect, containing Precept of Seaſin within the ſpace, and under the pains contained in the ſaids Letters, as the ſame, and Executions thereof in themſelves more fully proport.

Nota, *In this Caſe, in place of adding the former Words (at the* (7) *Figure) add theſe,* Letters of Horning againſt the Superior, and Executions thereof.

If the Summonds of Mails and Duties be on an Adjudication, Libel thus.

SUMMONDS

SUMMONDS of Mails and Duties on an Adjudication before the Lords, (in place of an Appryſing) according to the Act of Parliament.

THat where the ſaid Purſuer upon the —— day of 16 — years, Obtained an Decreet of Adjudication at his inſtance, before Our Lords of Councíl and Seſſion againſt *A. B.* of —— and all others having or pretending to have Intereſt in the Matter under-written; whereby the ſaids Lords adjudged, decerned and declared, all and haill the Lands and others after-ſpecified, *viz.* (*here take in the Lands and others, as in the Decreet, and then ſay*) to pertain and belong to the ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretably, for Payment and Satisfaction to them of the Sum of (*here inſert the Sums as in the Decreet, and then ſay*) as the ſaid Decreet of Adjudication of the date foreſaid, ſeen and allowed by the ſaids Lords, and by them found orderly proceeded, in manner written on the back thereof, upon the —— day of —— in it ſelf more fully proports, (6) by vertue whereof the ſaid Purſuer has ſufficient, good and undoubted Right and Intereſt in and to the ſaid Lands and others above adjudged, with the Pertinents, and in and to the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof, of the Cropt and year of God 16 — years, and yearly ſenſine, and in all time coming during the not redemption, and he ought and ſhould be anſwered, obeyed and payed thereof; And true it is, that the perſons *reſpectivè* afternamed, Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, are adebted and reſting, awing to the ſaid Purſuer as Adjudger foreſaid, the Mails, Farms, (*here follow furth the Stile of the former Summonds of Mails and Duties at the inſtance of an Appryſer, from this Figure of (2) till ye come to this (3) Figure, and then ſay*) conform to the ſaid Decreet of Adjudication, Allowance and Approbation written on the back thereof, Laws and dayly Practique of this Our Realm, in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done, (with Certification) (*here take in the Certification and the ſecond Dyet, as in the firſt Summonds from this (3) Figure, till ye come to the (4) Figure, and then ſay according to Juſtice, as ye will be anſwerable, in common Form.*

Nota, *If Infeftment followed, whether the Lands be holden of the King or of Subjects, or both, it is to be lybelled as in the former Directions,* Mutatis mutandis.

SUMMONDS of Mails and Duties upon an Decreet of Adjudication at the inſtance of a Creditor againſt the apparent Heir Renouncing.

THat where upon the —— day of —— 16 — years, the ſaid Puſuer Obtained an Decreet of Adjudication at his inſtance, before the Lords of Council and Seſſion, againſt *C. D.* eldeſt lawful Son to the deceaſt *H. D.* of —— as lawfully charged to enter Heir, and who renounced to be Heir to him, and his Tutors and Curators for their Intereſts; And —— Lord High Chancellor of *Scotland*, —— Lord High Theſaurer of the ſaid Kingdom, —— Lord Privy-Seal, —— Lord Secretary, —— Lord Regiſter, —— Lord Theſaurer-Depute, —— Lord Advocat, —— Lord Juſtice-Clerk, and —— Director of the Chancellary, for His Majeſties Intereſt, as to ſuch Lands and others after-ſpecified, as hold of Us, in manner under-written, and alſo

againſt ——— Superiors of the other Lands and others after-mentioned, holden of them, and all others having or pretending to have Intereſt in the Matter under-written, whereby the ſaids Lords adjudged (*here take in the Decernitor of the Decreet*) only if the ſame be general (*relating to the Narrative*) *ye muſt take in the Lands, of whom holden, and the cauſe for which the Adjudication is led, whether for Payment of Money, or Implement of a Diſpoſition Contract, or other Right, as in the Narrative, which is ever ſpecial, elſe the Summond of Adjudication not well libelled, and then ſay*) as the Decreet of Adjudication in it ſelf more fully is contained.

Nota Primo, *If Infeftment follow, either holden of the King or of Subjects Superiors, or if only Horning followed, and execute againſt Superiors* (*that be Subjects,*) *to libel the ſamen accordingly, as in the preceeding Stiles, and then ſubſume, and conclude as to Mails and Duties, as in the former Summonds of Mails and Duties in an Adjudication, beginning at this* (6) *Figure, with the former reference of that on an Appryſing* uſque ad finem. Secundo, *This Decreet of Adjudication differs from that on the Act of Parliament, for that on the Act of Parliament* (*coming in place of Appryſings*) *muſt be allowed, but this againſt the appearand Heir not.* Tertio, *Some according to the ancient Cuſtom, are Infeft in the Lands holden of the King by a Precept out of the Chancellary under the Quarter-Seal, but now by Signature expede the whole Seals, by a new Cuſtom of the Exchequer; and ſo whether the one way or other, let it be libelled.*

SUMMONDS of Mails and Duties at the inſtance of a perſon who ſtands Infeft in Lands for Security of Money, and not by way of Annualrent out of the Lands.

THat where *A. B.* of ——, by his Heretable-Bond, dated the —— day of 16— years, granted him to have Borrowed and Received from the ſaid Purſuer, at the Term of —— preceeding, all and haill the Sum of —— uſual Money of this Realm; which Sum he Band and Obliged him, his Heirs, Executors and Succeſſors, to have Contented, Payed, and again Delivered to the ſaid Purſuer, his Heirs and Aſſigneys (ſecluding Executors,) betwixt the date foreſaid of the ſaid Bond, and the Feaſt and Term of —— 16 —— years, with the Sum of —— Money foreſaid of Liquidat Expenſes in caſe of Failzie, together with the due and ordinar Annualrent and Profit of the ſaid Principal Sum, conform to the Act of Parliament, and that yearly and termly at two Terms in the year ——, and —— by equal Portions, beginning the firſt Terms Payment of the ſaid Annualrent at the Term of ——, (for the Term immediatly preceeding,) and ſo furth yearly and termly thereafter at the ſaid Terms, and by equal Portions as ſaid is, during the not Payment of the ſaid Principal Sum, with the Sum of —— Money above-written of Liquidat Expenſes for ilk Terms Failzie in caſe thereof, and that by and attour the ſame, and together therewith; and for the ſaid Purſuer, and his foreſaids, their farder Security, and more ſure Payment of the ſaid Sums, the ſaid *A. B.* [but any Hurt, Prejudice or Dirogation to the Perſonal-Bond and Obligation above-ſpecified, or Innovation thereof in any ſort, but in farder Corroboration of the ſame *acumulandò jura juribus*] bound and obliged him, his Heirs and Succeſſors, duly and ſufficiently to Infeft and Seaſe the ſaid Purſuer and his foreſaids Heretably, in all and haill the Lands of ———, [*here Inſert the Lands as in the Heretable-Bond, and then ſay*] and for that effect, to Make,

Grant,

Grant, Subſcribe and Deliver to them Charters, containing Precepts of Seaſin, and other Securities requiſite thereanent, with Warrandice, and under Reverſion, in manner therein-expreſt; and alſ Made, and Conſtitute them his Ceſſioners and Aſſigneys, in and to the *Mails*, Farms, (*here take in the Words of the Aſſignation, in manner alſo ſpecified in the ſaid Bond, and then ſay*) conform whereunto, and Precept of Seaſin therein-contained, the ſaid Purſuer was upon the —— day of —— 16 —— years, lawfully Infeft in the ſaids Lands and others foreſaid, as the ſaid Bond and Inſtrument of Seaſin following thereupon, duely Regiſtrat, conform to the Act of Parliament, in themſelves more fully Proport; by vertue whereof, the ſaid Purſuer has ſufficient good and undoubted Right and Intereſt, in and to the haill *Mails*, Farms, Kains, Cuſtoms, Profits and Duties of the ſaids Lands and others foreſaids, of the Cropt and year of God 16 —— years, and thereafter in all time-coming, at leaſt in and to ſua much thereof as will ſatisfie and pay him of the Annualrent of the ſaid Principal Sum, from the ſaid Term of —— 16 —— years, and yearly and termly in all time-coming, and of the ſaid termly Penalties, if incurred, and during the not redemption, and he ought and ſhould be anſwered, obeyed and payed thereof, by the Tennents and Poſſeſſors of the ſaids Lands and others foreſaids: And albeit it be of verity, that the ſaid Purſuer has oft and divers times deſired and required the perſons *reſpective* after-named, Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, to have made Payment to him of the ſaids *Mails*, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaid Cropt and year of God 16 —— years, and yearly ſinſyne of the Avails, Quantities, Eſtimations and Prices after-mentioned, ilk ane of them for their own Parts, and according to their ſeveral Proportions and Poſſeſſions of the ſame, as is particularly after-divided, *viz.* (*here leave Blank for half Sheet or more as ye find neceſſar, and then ſay*) and ſicklike of the like Duties, Cuſtoms and Caſualities yearly in time-coming, during the not redemption, ilk ane of them for their own Parts, in manner foreſaid, at leaſt ſo much thereof as will ſatisfie and pay him of the ſaids Annualrents and termly Penalties (if incurred as ſaid is;) nevertheleſs they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged. *Our Will is herefore*, and We Charge you, that ye lawfully Summond, Warn and Charge the fore-named perſons, *viz.* (*leave Blank for the Tennents Names*) Tennents and Poſſeſſors of the ſaids Lands and others foreſaid, and —— Heretor of the ſame for his Intereſt, Perſonally, or at their Dwelling-places, on twenty one days Warning, to Compear, &c. to Anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter, *that is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity; and the ſame being ſo verified and proven, the ſaids Defenders to hear and ſee themſelves Decerned by Decreet of Our ſaids Lords of Council and Seſſion, to make Payment to the ſaid Purſuer, as he who ſtands Infeft in manner foreſaid, of the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the Lands and others above-mentioned, of the Avails, Quantities, Eſtimations and Prices above-rehearſed, and that of the ſaid Cropt and year of God 16 —— years, and yearly ſinſye, and in all time-coming, at leaſt of ſo much thereof as will ſatisfie and pay him the Annualrent of the ſaid Principal Sum ſince the ſaid Term of — 16 — years, and yearly and termly in all time-coming, with the ſaid termly Penalties if occurred (at leaſt during the ſaid not redemption,) ilk ane of them for their own parts as ſaid is, after the Form and Tenor of the ſaid Hereable-Bond and Seaſin following thereupon, Laws and daily Practique of this Kingdom heretofore inviolably obſerved in the like Caſes in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done; with Certification to them if they failzie, Our ſaids Lords of Council and Seſ-

ſion will proceed in the ſaid *Matter*, and Decern therein in manner-foreſaid, to conclude the ſecond Dyet, and according to Juſtice, as in the former Summonds.

SUMMONDS of Mails and Duties on a Wodſet.

THat where by Contract of Wodſet, made and paſt betwixt A. B. *of* —, *Heretable-Proprietar of the Lands and others after-ſpecified, with the Pertinents, on the ane part, and* C. D. *of* — *Purſuer, on the other part, of the date the* — *day of* — 16 — *years*: *The ſaid* A. B. *(for the Sum of* — *uſual Money of this Realm, Borrowed & Received by him from the ſaid* C. D. *in manner therein-expreſt) Sold, Annaillied, Wodſet and Diſponed to the ſaid* C. D. *his Heirs and Aſſigneys whatſomever Heretably, all and haill* (here leave a Blank for, or rather fill up and inſert the Lands, according to the Contract, and then ſay) *and Bound and Obliged him, his Heirs and Succeſſors, to Infeft and Seaſe the ſaid* C. D. *and his foreſaids therein, by double Infeftments and manner of Holdings, to be holden with Warrandice, and under Reverſion, in manner therein-expreſt; and ſicklike, the ſaid* A. B. *Made and Conſtitute the ſaid* C. D. *and his foreſaids, his very lawful, undoubted and irrevocable Ceſſioners and Aſſigneys, in and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids, and all Tacks and Rights of the Teinds thereof, and that of the Crop and year of God* 16 — *years, and yearly thereafter in all time-coming during the not redemption, and all Action, Purſuit and Inſtance competent, or that may be competent thereupon for ever, in manner more fully ſpecified in the ſaid Contract of Wodſet, conform whereunto* (4) *and Precept of Seaſin therein-contained, the ſaid Purſuer was upon the* — *day of* — *lawfully Infeft in the ſaids Lands and others foreſaids, as the ſaid Contract* (5) *and Inſtruments of Seaſin following thereupon, duely Regiſtrat, conform to the Act of Parliament, in themſelves more fully is contained; by vertue whereof, the ſaid Purſuer has ſufficient, good and indoubted Right and Intereſt, in and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands, Teinds and others above-diſponed and aſſigned, and wodſet in manner foreſaid, of the Crop and year of God* 16 — *years, and yearly ſinſyne, and in all time-coming during the ſaid not Redemption, and he ought and ſhould be Anſwered, Obeyed and Payed thereof*: *And true it is, that the perſons* reſpective *after-named, Tennents and Poſſeſſors of the ſaid Lands, Teinds and others foreſaids, are Addebted and Reſting, Owing to the ſaid Purſuer as Wodſetter, and having Right as ſaid is, the Mails, Farms* (to Libel, Subiume and Conclude according to the former Summonds of Mails and Duties at the inſtance of an Appryſer *Page* (189) beginning at this (2) Figure, and ſo downward, until ye come to the (3) Figure, and then ſay) *conform to the ſaid Contract of Wodſet, Precept of Seaſin therein-contained, Inſtrument of Seaſin following thereupon, Laws and dayly Practique of this Realm, heretofore inviolably obſerved in the like caſes in all points, or elſe to alledge ane reaſonable cauſe why the ſame ſhould not be done; with Certification,* (as is in the Summonds againſt Debitors *Page* (185) and then take in the ſecond Dyet in common Form, and then according to Juſtice, as ye will Anſwer, *&c.*

Nota, If the Purſuer was not Infeft by vertue of the Precept of Seaſin contained in the Contract, but by vertue of a Charter following thereupon, then after this (4) Figure, *add* and Charter following there-upon; and at this (5) Figure, *add* Charter; and if the Right be

be confirmed by the King or other Superior, add theſe words (before by vertue whereof) *and which Contract, Charter, and Seaſin was duly confirmed by us as Superior (if ſo) under Our Great Seal of the date the —— day of —— 16 —— years, and if holden of a Subject, and was confirmed, ſay, by —— Superior thereof, conform to the Charter granted by him thereanent, of the date the —— day of —— 16 —— years.*

SUMMONDS of Mails and Duties at the Inſtance of a Perſon Infeft for Relief of Cautionry and Ingadgments, for which he is diſtreſt.

THat where *C. D.* of —— by his Bond dated the *&c.* day of —— 16 —— years, making mention, that forſamuch as he as Principal, and the ſaid Purſuer as Cautioner for him, by their Bond dated the —— day of —— 26 —— years fereſaid, bound and obliged them, conjunctly and ſeverally, their Heirs, Executors and Succeſſors, to have contented, payed and delivered to *G. D.* of —— his Heirs and Aſſigneys [ſecluding Executors] all and haill the Sum of —— uſual Money of this Realm as Principal, with the Annualrent thereof, from the Terms of *&c.* preceeding to the Term of payment under-written, and that betwixt and the Term of —— then next to come, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, together with the ordinar Annualrent of the ſaid Principal Sum, conform to the Act of Parliament, and that yearly, termly, and continually during the not payment thereof after the ſaid Term; and the ſaid *C. D.* bound and obliged him and his foreſaids, to warrand free, relieve, harmleſs and skaithleſs keep the ſaid Purſuer, his Cautioner and his foreſaids of the ſaid Cautionrie, and of all Coſt, Skaith, Damage, Intereſt, Charges and Expenſes they ſhould happen to ſuſtain or incur there-through any manner of way thereafter in time coming. and ſubſuming that the ſaid *C. D.* being moſt willing that the ſaid Purſuer and his foreſaids, ſhould be further ſecured anent their ſaid Relief; *Therefore* [and but any Hurt, Prejudice or Dirogation to the Clauſe of Relief contained in the ſaid firſt Bond or Innovation thereof in any ſort, but in furder Corroboration of the ſame *accumulando jura juribus*) The ſaid *C. D.* faithfully Band and Obliged him and his foreſaids, not only to warrand and relieve as ſaid is, als well not Diſtreſt as Diſtreſt, but alſo duely and ſufficiently to Infeft and Seaſe the ſaid Purſuer and his foreſaids heretably, in all and haill the (*here inſert the haill Lands as in the Heretable Bond of Relief, and then ſay,*) and that by double Infeftments and manner of Holdings, to be Holden, with Warrandice, and under Reverſion, in manner therein-ſpecified, and to make Grant, Subſcribe and Deliver to them all Rights and Securities requiſite thereanent, and likeways aſſigned them to the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands, and others foreſaids, and right of the Teind thereof; and that yearly and termly thereafter, in all time coming during the not Redemption, in manner ſpecified in the ſaid heretable Bond of Relief, conform whereunto and Precept of Seaſin therein contained, the ſaid Purſuer was upon the —— day of —— 16 —— years, lawfully infeſt in the ſaids Lands and others foreſaids, as the ſaid heretable Bond of Relief, and Inſtrument of Seaſin following thereupon, duely Regiſtrat conform to the Act of Parliament, in themſelves more fully is contained; And true it is, that the foreſaid Bond wherein the Purſuer was Cautioner, was not only Regiſtrat in the Books of Council and Seſſion upon the — day of — 16 ——years, but alſo there was Letters of Horning raiſed thereupon, and the Purſuer charged as Cautioner by vertue thereof, to make payment of the Debt, as the Charge given to him by —— Meſſenger likeways proports, wherethrow

there is nothing more clear and apparent than the Purſuers Diſtreſs in default of the ſaid principal Party, who did not pay the Debt to the lawful Creditor at the Term appointed, and ſo in all Law, Equity and Juſtice, the foreſaid Infeftment of Relief doth now Accreſce, and ought and ſhould become effectual to the Purſuer and his foreſaids towards their Relief and Liberation of the ſaid Cautionry; and albeit it be of Verity, that the ſaid Purſuer be diſtreſt as ſaid is, and that he has oft and divers times deſired, and required the Perſons *reſpectivè* after-named, Tennents, Poſſeſſors and Occupyers of the ſaids Lands and others foreſaids, wherein the Purſuer ſtands Infeft, and to which he has *Right* for his Relief as ſaid is, to make payment to him of the haill Mails, Farms (6) Kains, Cuſtoms, Caſualities, Profits and Duties thereof yearly, the Crops and years of God after-ſpecified, of the Avails, Quantities, Eſtimations and Prices aftermentioned, ilk ane of them for their own parts, and according to their ſeveral Proportions of the ſamen, as is particularly after divided, *viz.* (*here leave Blank for half ſheet or more as ſhall be neceſſar*) And ſicklike of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties yearly in time coming during the Purſuers Right and their Poſſeſſion, conform to his ſaid Right and Infeftment of Relief, Diſtreſs foreſaid following upon his ſaid Cautionrie, Laws and daily practique of this our Realm, uſed and obſerved in the like Caſes in all points [7] Nevertheleſs, they wrongouſly Refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the fore-named perſons, Defenders particularly above-named, *viz.* (*leave Blank for the Tennents Names*) Tennents and Poſſeſſors of the ſaids Lands and others aforeſaids, and the ſaid *C. D.* their Maſter, and Heretor of the ſaids Lands for their Intereſt, perſonally, or at their *Dwelling-places*, on twenty one days warning, to compear [*follow furth the common Stile till ye come to*] to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *that is to ſay*, The ſaids Defenders to hear and ſee the Premiſes ſufficiently verified, and proven to be of verity; and the ſame being ſo verified and proven, the fore-named perſons, Tennents and poſſeſſors of the ſaids Lands and others foreſaids, to hear and ſee themſelves decerned by Decreet of our ſaids Lords of Council and Seſſion, to make payment to the ſaid purſuer, as he who ſtands Infeft for his Relief, and now Diſtreſt for the Debt in manner foreſaid] of the haill Mails, Farms [*to conclude according to the Subſumption from this Figure of* [6] *till the Figure* [7] *Only ſay for* after-ſpecified, *above-ſpecified*, for after-mentioned, *above-mentioned*, and for after-divided, *above-divided*; *Or elſe to alledge a reaſonable Cauſe, to conclude this of the Certification and ſecond Dyet like an ordinary Summonds*, and then according to juſtice as ye will anſwer, *&c.*

Nota, *If the Cautioner muſt pay the Debt, and that the Creditor be ſo juſt as to diſcharge the Cautioner, and Aſſign for his Relief againſt the principal Party, and his Repreſentatives, then the Cautioner, Qua Aſſigney has not only all the Diligence already uſed, conveyed to him by the Creditor, but may uſe what further Requiſite, whether perſonal or Real; but in caſe there be an Impediment by a more preferable Diligence, or Right betwixt the Infeftment of Relief and the payment of the Debt by the Cautioner, then it is better to adhere to the firſt, which after Diſtreſs accreſſes to the Cautioner, only theſe Doubts occur.* 1. *If an Apprayſer or Adjudger be Infeft publickly in the Land (even after the Infeftment of Relief not confirmed) which of the two will be preferred.* 2. *In caſe the Cautioner without Diſtreſs payed Annualrent, will that make the Infeftment of Relief publick.* 3. *If the principal Party payed Annualrent, and not the Cautioner, will the Cautioner have the Benefite thereof, ſo as to make his*

Seaſin.

Seaſin publick by the Principals Deed, being a favourable Caſe and in effect that payment, but the effect of the Clauſe of Relief conceived in favours of the Cautioner; But to put matters out of Queſtion, to confirm (if the Debt be conſiderable) is the beſt of it.

Nota. *If the Cautioner not only be diſtreſt, but actually has payed and is Diſcharged (whether he get an Aſſignation or not againſt the Principal) it muſt be ſo Libelled, for a Diſcharge or Aſſignation are of the ſame Import to the Cautioner, and a ſufficient ground to proſecute his Relief, albeit the Aſſignation be a more immediat Title to charge the principal Party.*

SUMMONDS of Poynding of the Ground at the Inſtance of a Liferentrix, for her Annuity out of the Lands mentioned in her Infeftment.

THat where the ſaid Purſuer ſtands Infeft in Liferent during all the days of her *Lifetime*, in all and haill an Annuity of —— uſual Money of this Realm, yearly to be uplifted and taken at two Terms in the year, *Whitſunday* and *Martinmaſs* in winter by equal Portions, furth of all and haill the Lands of —— lyand within the Parochin of —— and Sheriffdom of —— or furth of any part or Portion thereof, and readieſt *Mails*, *Farms*, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame, beginning the firſt terms payment thereof at the firſt Term of *Whitſunday* or *Martinmaſs* next and immediatly following her ſaid Husband his Deceaſe, and that for the Term immediatly preceeding, and ſo furth yearely and termly thereafter at the ſaid Terms, and by equal Portions in manner foreſaid during her ſaid *Lifetime*, as the Inſtrument of Seaſing grated to her thereupon, duely Regiſtrat conform to the Act of Parliament, in it ſelf more fully proports; And albeit it be of verity, that the ſaid —— her Husband, dyed upon the —— day of —— 16—— years, and that therethrough, and conform to her ſaid Infeftment, the foreſaid Annuity is due to her ſince the Term of —— (being the Term immediatly preceeding his Deceaſe) and that the ſaid Purſuer has oft and divers times Deſired and Required (*here leave Blank for a quarter of ſheet*) Tennents, Poſſeſſors, Occupyers of the ſaids *Lands* and others foreſaids (out of which the ſaid Annuity is due and upliftable, as ſaid is) And *H. D.* now of —— eldeſt lawful Son and apparent Heir to the ſaid deceaſt —— and Heretor of the ſame for his Intereſt, to have made payment to her of the ſaid Annuity yearly ſince the ſaid Term of —— 16—— years; And ſicklike yearly and termly in all time coming during her ſaid Lifetime: Nevertheleſs, they not only wrongouſly refuſe, poſtpone and defer to do the ſame, but alſo they in manifeſt Defraud, Hurt and Prejudice of her thereanent, will not ſuffer and allow her to poynd the Ground therefore, after the Form and Tenor of her ſaid infeftment, Laws and daily Practique of this our Realm, uſed and obſerved in the like Caſes in all points without they be compelled, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully *Summond*, Warn and Charge the forenamed Perſons, Tennent and Poſſeſſors of the ſaids Lands and others foreſaids; And the ſaid *H. D.* Heretor of the ſaids Lands for his Interſt, perſonally, or at their Dwelling-places, on twenty one days warning to compeat (*here follow furth the ordinary Stile till ye come to*) to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *that is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified & proven to be of verity, and the ſame being ſua verified and proven, the ſaids Defenders to hear and

ſee our others Letters Ordained by Decreet of our ſaids Lords of Council and Seſſion, to be directed at the Inſtance of the ſaid Purſuer againſt the ſaid Defenders, to *Meſſengers* at Arms, our *Sheriffs* in that part, charging them conjunctly and ſeverally to paſs, and in Our Name and Authority, Search, Seek, Fence, Arreſt, Appryſe, Compel, Poynd and Deſtrenzie, the readieſt Moveable Goods and Gear whatſoever being, or that hereafter ſhall happen to be upon the Ground of the ſaids Lands, and others foreſaids, make Penny thereof and failzing of Moveable Goods and Gear poyndable, to Appryſe or Adjudge the Ground-*Right* and Property of the ſaids Lands and others foreſaids, conform to the Act of Parliament, to the Avail and Quantity of the ſaid Annuity of ——— Money foreſaid, and that yearly and termly ſince the ſaid term of —— 16 —— years, and in all time coming during the Purſuers Lifetime, and make her compleatly ſatisfied and payed of the ſame (the Terms of payment thereof being firſt come and bygane) After the Form and Tenor of the ſaid Infeftment, Laws and daily Practique of this our Realm, uſed and obſerved in the like Caſes in all points, or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and decern therein in manner foreſaid, according to Juſtice as ye will anſwer, *&c.*

Nota, *Since the firſt Term of payment has its Commenſement from the Term immediatly preceeding the Husbands Deceaſe, ſo that there is a neceſſity the time of the Deceaſe be proven; Therefore if the Defuncts Teſtament be not confirmed, which proves the time of the Death, there muſt be a ſecond Dyet in the Summonds in common Form, and Witneſſes muſt be cited and led to prove the ſame; And in that Caſe alſo the Summonds muſt be direct to Sheriffs in that part, and Meſſengers reſpective, whereas if the Death were proven by Writ, it is only direct to Sheriffs in that part, without neceſſity of a ſecond Dyet.*

SUMMONDS of POYNDING of the GROUND at a Liferentrix Inſtance, for an Annuity of Victual conform to her Infeftment, concluding alſo a Liquidation of the ſame to a Price, in caſe Corns be removed invidiouſly off the ground to an other ground belonging to the ſame, or other Heretors; And likeways concluding payment.

THat where the ſaid Purſuer ſtands duely and lawfully Infeſt in Liferent, during all the days of her Lifetime, in all and haill an Annuity of —— Chalders Victual, two part Bear, and third part Oat-Meal, all ſufficient Stuff clean and well dight, and of the Meaſure of —— yearly to be uplifted and taken betwixt *Youl* and *Candlemaſs*, furth of all and haill the Lands and others after-ſpecified, *viz.* (*here inſert the Lands as they are in the Purſuers Seaſin*) lyand within the Parochin of —— and Sheriffdom of —— beginning the firſt years payment of her ſaid Annuity of the firſt (*here inſert the year and Term as in the Seaſin*) and ſua furth yearly thereafter betwixt *Youl* and *Candlemaſs*, during all the days of her ſaid Lifetime, as the Inſtrument of Seaſin granted to her thereupon, duely Regiſtrat conform to the Act of Parliament, in it ſelf more fully is contained; And true it is, that the Purſuers Husband departed this Life upon the —— day of —— 16 —— years, wherethrow and by vertue of the ſaid Infeftment ſhe has ſufficient good and undoubted Right and Intereſt in and to the ſaid Annuity of the haill Cropt and year of God 16 —— years, and yearly

yearly ſinſyne, and in all time-coming during her ſaid Lifetime, and ſhe ought and ſhould be anſwered, obeyed and payed of the ſame; and yet notwithſtanding thereof, the perſons *reſpective* after-named, *viz.* (*Blank for Quarter of a Sheet*) Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, and *H. D.* now of —— Son and Heir at leaſt appearand Heir to the deceaſt ——the Purſuers Husband not only wrongouſly refuſe, poſtpone and defer to make Payment to her of the ſaid Annuity, the foreſaid Cropt and year, and yearly ſinſyne, and in all time-coming during her ſaid Lifetime, but alſo will not ſuffer and allow the Ground to be Poynded therefore yearly, conform to her ſaid Infeftment, Laws and Practique of this Our Realm, heretofore inviolably obſerved in the like Caſes, but on the contrair, they in manifeſt defraud, hurt and prejudice of her thereanent, immediatly after the Corns are Shorn, and for Leading, they lead and carry away the ſame from off the Ground whereon they grow, and wherein the Purſuer ſtands Infeft for her Annuity in manner-foreſaid, to the Lands of —— and other Lands adjacent wherein ſhe ſtands not Infeft, and ſo cannot Poynd that Groud therefore, to her great hurt and prejudice as ſaid is, without remeid be provided thereto; and therefore neceſſar it is for the Purſuer to have Summonds of Poynding of the Ground, concluding alſo a Liquidation of the ſaid Victual to an reaſonable Value and Price yearly during the abſtraction of the *ipſa corpora* of the Ground, and likewiſe concluding Payment, and that in manner in the terms and to the effect after-ſpecified, as is alledged. *Our Will is herefore*, and We Charge you, that ye lawfully *Summond*, Warn and Charge the ſaid (——, Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, and the ſaid *H. D.* heretor thereof, and their *Maſter* for his Intereſt, *Perſonally*, or at their Dwelling-places, on twenty one days Warning, to compear (*as in the former Stiles till ye come to*) to Anſwer at the inſtance of the ſaid *Purſuer*, in the ſaid Matter, *that is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of Verity, and being ſua verified and proven, to hear and ſee Our others Letters ordained by Decreet of Our ſaids Lords of Council and Seſſion, to be direct at the inſtance of the ſaid Purſuer againſt the ſaids Defenders, and that to *Meſſengers* at Arms, Our Sheriffs in that part, Charging them conjunctly & ſeverally to paſs, and in Our Name and Authority, Search, Seek, Fence, Arreſt, Appryſe, Compel, Poynd and Diſtrinzie the readieſt Bear and Oat-Meal, at two part and third as ſaid is, (2) being or that ſhall happen to be upon the Ground of the ſaids Lands and others foreſaids, or that ſhall happen to grow thereupon, and led and carried after Shearing, to whatſoever part or place out-with the ſame, in manner foreſaid, and make the ſaid Purſuer compleatly payed thereof, & that of the ſaid Cropt and year of God 16 — years, and yearly ſinſyne, and in time-coming during her ſaid Lifetime; and in caſe the ſaid Corns be led and abſtracted, or otherwiſe conveyed, ſo that the ſame cannot be got Poynded towards her Payment as ſaid is, to hear and ſee the ſaid Victual of the quality foreſaid Liquidat by Our ſaids Lords their Decreet, to ſuch Rates and Prices as the ſaids Lords ſhall think fit yearly, during any ſuch abſtraction of the *ipſa corpora* of the Ground of the ſaids Lands and others foreſaids, (out of which her Annuity is payable in manner above-ſpecified) and being ſua Liquidat, to hear and ſee Our ſaids others Letters ordained to be direct to the ſaids Meſſengers as Sheriffs in that part, conjunctly and ſeverally as ſaid is, Charging them to paſs, and in Our Name and Authority, Search, Seek, Fence, Arreſt, Appryſe, Compel, Poynd and Diſtrinzie, not only all the readieſt Corns being or that ſhall happen to be on the Ground of the ſaids Lands and others foreſaids, with the Pertinents; But alſo when Corns are abſtracted or defective, the haill other moveable Goods and Gear being, or that ſhall happen to be on the ſaid Ground, yearly during any

ſuch defect, to the Avail and Quantity of the ſaid Annuity, and what ſua defective in manner foreſaid, and at the Rates above-ſpecified, whereunto the ſaid Victual ſhall be liquidat by the ſaids Lords, as ſaid is, and to make Penney of the ſaid other Goods, and the ſaid Purſuer compleatly payed of her ſaid Annuity in Victual or Money yearly, according to the ſaid Quantity and Quality, at the ſaid Rate, and failzeing of Victual or other Goods for her payment, to Appryſe or Adjudge the Ground-Right and Property of the ſaids Lands and others foreſaids, conform to the Act of Parliament, to the ſaid Quantity and Avail, and at the ſaid Rate, and that for Payment and Satisfaction to her of the ſaid Annuity of the Cropt and year of God above-mentioned, and als yearly ſinſyne, and in all time coming during her ſaid Lifetime, and the Defenders as unjuſt abſtracters of the Corns off the Ground; wherein ſhe ſtands Infeft, decerned to make payment to her thereof, or Rates and Prices above-mentioned, by-gones and in time-coming, at leaſt during any ſuch abſtraction, and a-motation of the Corns and other Goods poyndable from off the Ground where ſhe ſtands Infeft, after the Form and Tenor of her ſaid Infeftment; Laws and dayly Practique of this Our Realm, heretofore inviolably uſed and obſerved in the like Caſes in all points, or elſe to alledge an reaſonable cauſe; *To conclude as in the former Summonds.*

The former Nota *is to be Obſerved.*

SUMMONDS at the inſtance of an Executor, and having Licenſe to Purſue.

CHARLES, &c. *To Our Lovits* ——, *Our Sheriffs in that part, and Meſſengers* reſpective, *conjunctly and ſeverally, ſpecially conſtitute, Greeting: Forſameikle as it is humbly meant and ſhown to Us, by* M. A. *Relict of the deceaſt* C. D. *and Executor lawfully decerned and confirmed to him, and having Licenſe to purſue from the Commiſſars of* —— (*and within whoſe Juriſdiction her ſaid Husband deceaſt*) *That where the perſons* reſpective *afternamed were Adebted and Reſting, Owing to the ſaid Defunct the time of his deceaſe, (which was upon the* —— *day of* —— 16 —— *years) the Goods, Gear, Debts, Sums of Money, Merchant-ware and others after-ſpecified, of the Avails, Quantities, Eſtimations and Prices after-mentioned, in manner and for the Cauſes under-written, ilk ane of them for their own parts, and according to their ſeveral Proportions of the ſame, as is particularly after-divided,* viz. (leave Blank for a Sheet) *And albeit it be of verity, that the ſaid Purſuer as Executrix, and having Licenſe to purſue in manner-foreſaid, has oft and divers times deſired and required the forenamed perſons Defenders particularly above-named, to have made Payment to her of the ſaids Goods, Gear, Debts, Sums of Money, Merchant-ware and others above-ſpecified, Adebted and Reſting, Owing by them to the ſaid Defunct, in manner and for the Cauſes above-mentioned, or of the Avail, Eſtimations and Prices of the ſame above-written, ilk ane of them for their own Parts, and according to their ſeveral Proportions of the ſame, as is particularly above-divided; and alſo to make Payment to her of the due and ordinar Annualrent of ſua many of the ſaid Sums as bear Annualrent as ſaid is, of all years and terms by-gone reſting, owing unpayed, and ſicklike yearly and termly in time-coming during the not payment thereof, the Terms of payment of the ſame being always firſt come and by-gone, conform to the Laws and dayly Practique of this Our Realm uſed and obſerved in the like Caſes in all points; nevertheleſs they wrongouſly refuſed, and as yet refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged.* Our Will is herefore, *and We Charge you, that ye lawfully*

lawfully Summond, Warn and Charge the fore-named persons Defenders, particularly above-named, viz. (leave Blank for their Names) *personally, or at their Dwelling-places, on twenty one days Warning, to compear* (as in the ordinar Stile till ye come to) *to answer at the instance of the said Pursuer in the said matter,* that is to say, *the saids Defenders to hear and see the Premisses sufficiently verified and proven to be of verity; and the same being sua verified and proven, to hear and see themselves decerned and ordained by Decreet of Our saids Lords of Council and Session, to make payment to the said Pursuer as Executrix foresaid, and having License to pursue as said is, of the foresaids Goods, Gear,* (to conclude *ut supra* from this (6) Figure, till ye come to *Nevertheless*, and then say,) *or else to alledge an reasonable cause why the same should not be done; With Certification to the saids Defenders, if they failzie, Our saids Lords of Council and Session will proceed in the said Matter, and decern therein in manner-foresaid,* (to insert a second Dyet in common Form, and then say) *According to Justice, as ye will answer,* &c.

SUMMONDS at the Instance of a person who is Heir and Executor, and has License to Pursue, and otherways has Right, and probably by an Assignation not Intimat.

CHARLES, &c. To Our Lovits, —— Our Sheriffs in that part, and Messengers *respective*, conjunctly and severally, specially Constitute, Greeting: Forasmeikle as it is humbly meaned and shown to Us by *G.D.* Son and Heir, served and retoured to the deceast *C.D.* and Executor lawfully confirmed to him, and als having License to Pursue from the Commissars of ——, within whose Commissariot his said Father deceased, and otherways having Right in manner after-mentioned; That where the persons *respective* after-named, are Addebted and Resting, Owing to the said Pursuer, as Heir and Executor foresaid, and having License to Pursue, and likewise as having otherways Right in manner after-mentioned, the Goods, Gear, (*after this follow furth the Stile of the Summonds immediatly preceeding, with these Alterations*; Primo, *Whereas the former bears as Executrix, and having License to Pursue, say in this*) as Heir, Executor, having License to Pursue, and otherways having Right as said is. Secundo, *In place of her, say him.*

SUMMONDS of Removing at the instance of an Heretor.

CHARLES, &c. *To Our Lovits, —— Our Sheriffs in that part, conjunctly and severally,* &c. *Forsameikle as it is humbly meaned and shown to Us by* A.B. *Heretable Proprietar of the Lands and others after-specified, with the Pertinents; That whereupon the —— day of ——* 16 *—— years, the said Pursuer was Heretably Infeft and Seased in all and haill,* (here Insert the Lands, as in the Seasin) *lyand within —— as the Instrument of Seasin granted to him thereupon, duely Registrat conform to the Act of Parliament, in it self more fully proports, conform whereunto, and als by vertue of a Precept of Warning subscribed by the Pursuer thereanent, he fourty days before the Feast and Term of* Whitsunday *last by-past caused lawfully Warn* (*conform to the Act of Parliament*) *the persons* respective *after-named, Tennents, Possessors and Occupyers of the Lands*

and other after-mentioned, viz. (leave Blank for half Sheet) *to flit and remove themſelves, their Wives, Bairns, Men-tennents, Servants, Cotters and Dependers, Goods and Gear, furth and frae the ſaids Lands and others foreſaids, and to leave the ſame void and red at the ſaid Term of* Whitſunday *laſt, to the effect the ſaid Purſuer by himſelf, his Men-tennents and Servants might then enter thereto, and peacebly Poſſeſs, Labour, Manure, Bruik and Enjoy the ſame, and Uſe and Diſpoſe thereupon, as the Purſuers Lands and Heretage at his pleaſure thereafter in time-coming, conform to his Right and Infeftments in all points, as the Precept of Warning ſubſcribed thereanent and Executions thereof in themſelves alſo more fully is contained; And albeit it be of verity, that the ſaid Term of* Whitſunday *be now paſt, and that the ſaid Purſuer has oft and divers times deſired and required the ſaids Defenders to Flit and Remove themſelves* (6) *and their foreſaids, furth and frae the ſaids Lands and others above-ſpecified, and to leave the ſame void and red, to the effect above-mentioned, after the Form and Tenor of the ſaid Purſuers Infeftment, Precept of Warning, Executions thereof, and Act of Parliament made anent warning of Tennents to remove from Lands, Laws and dayly Practique of this Realm uſed and obſerved in the like Caſes in all points; nevertheleſs they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged.* Our Will is herefore, *and We Charge you, that ye lawfully Summond, Warn and Charge the fore-named perſons Defenders, Tennents, Poſſeſſors and Occupyers of the ſaids Lands and others foreſaids, Perſonally or at their* Dwelling-places, *on ſix days warning, to Compear* (as in the former Summonds, till ye come to) *to Anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter*, that is to ſay, *the ſaids Defenders to hear and ſee themſelves decerned by Decreet of the ſaids Lords, to Flit and Remove themſelves*, (to conclude *ut ſupra* from the Figure (6) till ye come to *Nevertheleſs*, and then ſay) *or elſe to alledge an reaſonable cauſe*, &c. No ſecond Dyet, becauſe all is Inſtructed by Writ.

Ex Deliberatione Dominorum Concilii.

SUMMONDS of Ejection and Intruſion, including Damage.

CHARLES, &c. To Our Lovits ——, Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially Conſtitute, Greeting. *Our Will is*, and We Charge you, that ye lawfully Summond, Warn and Charge (*leave Blank for ſix Lines,*) Perſonally, or at their Dwelling-places, on twenty one days Warning, to Compear (*as in the former Stiles,*) to Anſwer at the inſtance of *A. B.* of ——, in the Matter under-written, *that is to ſay*, the ſaids Defenders for their wrongous, violent and Maſterful-coming, by themſelves, their Servants, Complices and others in their Names, of their cauſing, ſending, hounding-out, command, reſet, aſſiſtance and ratihabition, upon the —— day of —— 16—— years, to the Lands of —— lying within the Parochin of —— and Sheriffdom of —— (6) pertaining Heretably to the ſaid Purſuer, at leaſt then in his own and Tennents Poſſeſſion by a Liferent-Right, Tack or otherways, and Labouring of the ſame, and Paſturing of their Cattel and Goods thereupon, and doing other Deeds of Poſſeſſion uſual and ordinary, and there in the wrongous, violent and Maſter-ful Ejecting the ſaid Purſuer and his Family, Tennents, Goods and Gear furth thereof, and Intruding themſelves therein, and Poſſeſſion of the ſame by themſelves and others as their Tennents and Servants, and als in the wrongous, violent and Maſter-ful maintaing and continuing their ſaid violent Poſſeſſion ever ſince now, by the ſpace of ——, where-through they have not only incroached upon the Purſuers Right and Poſſeſſion, and intend to appropriat the ſame

to

to themſelves as Heretage for the future, contrair to all Law, Equity and Reaſon, but alſo have kept up the Duties, Profits and Caſualities thereof yearly, and likeways otherways damnified and prejudged the Purſuer and his Tennents in the Sum of —— over and above, extending in the haill to ——, conform to an particular Accompt thereof a-part (here holden as repeated *brevitatis cauſa,*) and therefore to hear and ſee it found and declared that they have done wrong in the foreſaid Ejection and Intruſion; and the ſame being ſua found and declared, the ſaids *Defenders*, to hear and ſee themſelves decerned to repone and reſtore the ſaid Purſuer and his Tennents, to their Right and Poſſeſſion of the ſaids Lands and others foreſaids, and in the ſame ſtate and condition as before the ſaid Ejection and Intruſion, and not to trouble or moleſt them therein for the future otherways nor by order of Law and Juſtice, and ſicklike to make payment to them of the ſaids *Mails*, Profits and Duties yearly ſince the ſaid Ejection and Intruſion, and in time-coming, ay and while they be re-poſſeſſed and reponed as ſaid is; and likewiſe to make payment to the ſaid Purſuer and his Tennents, of the foreſaid Sum of —— wherein they have been damnified and prejudged in manner foreſaid conform to the Laws and dayly Practique of this our Realm, heretofore inviolably obſerved in the like caſes in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done; with Certification to them if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid *Matter*, and find, decern and declare in manner foreſaid, (*to Inſert a ſecond Dyet in common Form, and then ſay*) according to Juſtice, as ye will anſwer, *&c.*

SUMMONDS of Ejection, Intruſion and Spulziation.

CHARLES, *&c. to write the Stile of the former Summonds, till ye come to this 6 Figure, only where a Spulzie is conjoyned with Ejection and Intruſion; It is fit the Tennents als well as the Maſter be Purſuers, and then ſay,* Pertaining heretably, or in Wadſet, or otherways to the ſaid *A. B.* one of the Purſuers, and in their Poſſeſſion, by Labouring and Sowing of the Ground, and Dwelling and Paſtouring thereupon, and doing all other Deeds of Property and Comonty requiſite within the ſamen; And there in the wrongous, violent, and Maſterful Ejecting the ſaid Purſuer and his Family, and his ſaids Tennents, and their Corns, Cattel, Goods and Gear furth thereof, and intruding themſelves therein, and Poſſeſſion of the ſame; And likeways by themſelves and their foreſaids of their cauſing and Command as ſaid is, in the wrongous, Violent and Maſterful Spulziation fra the ſaid Purſuers, of the Corns, Cattel, Horſe, Nolt, Sheep, Goats, Inſight, Pleniſhing, and other Goods and Gear after-ſpecified, of the Avails, Quantities, Eſtimations and Prices aftermentioned, *viz.* (*here leave Blank for a ſheet*) and Ejection and Spulziation of the ſaids Purſuers, therethrow and of their Poſſeſſion thereof, the ſaids Lands with the Pertinents then pertaining heretably, at leaſt in Wadſet, Tack, or otherways to the ſaids Purſuers, and being in their Poſſeſſion by Labouring of the ſame, *D*welling thereupon, Paſturage thereon, and otherways; And the ſaids Goods, Gear, Horſe, Nolt, Sheep, Goats, Pleniſhing and others foreſaids, being then in their poſſeſſion by making uſe of the ſaid Pleniſhing, Teilling and Labouring with the ſaid Cattel and Goods, and doing all other Deeds of Poſſeſſion uſual and neceſſary, and that for ſeveral years, at leaſt Moniths or days preceeding the ſaid Ejection, Intruſion and Spulziation; And in likemanner in the wrongous, Violent, and *M*aſterful-Keeping, Detaining, and as yet with-holding of the ſame Lands and Goods, together with the Duties, Caſualities, Services, and the excreſcent Profits of the ſaids *L*ands and Goods

under-written fra them, continually ſince the time above-ſpecified of the ſaid Ejection, Intruſion and Spulziation, now by the ſpace of ——, extending the ſaids Duties, Services and excreſcent Profits yearly, and ilk year daily, and ilk day (in Milkneſs, Work, Hire, Gange and otherways, to the Avails, Quantities, Eſtimations and Prices after-mentioned, *viz.* (*leave Blank for another ſheet*) And which Duties, Services, Caſualities, Prices and excreſcent Profits, the ſaids Lands, Goods, Gear and others foreſaids, were worth, and would have given and yielded to the ſaid Purſuers had not they been violently ejected and ſpulzied as ſaid is, but had been ſuffered to continue in their ſaid Poſſeſſion of the ſaids Lands, Goods and Gear as formerly; And therefore the ſaids Defenders to hear and ſee it found and Declared by Decreet of our ſaids Lords of Council and Seſſion, that they have done wrong in the foreſaid wrongous, violent and Maſter-full-Ejection, Intruſion, Spulziation and Detention, and the ſame being ſua found and Declared, the ſaids Defenders to hear and ſee themſelves Decerned to Reſtore and Repone the ſaids Purſuers to their Rights and Poſſeſſion of the ſaids Lands, Goods, and others foreſaids, and in the ſame State and Condition as before the ſaid Ejection and Intruſion, and not to trouble or moleſt them therein for the future otherways, nor by Order of Law and Juſtice, and ſicklike to make payment to the ſaid *A.B.* of the Mails, Profits and Duties above-ſpecified of the ſaids Lands and others foreſaids, or Avails, Eſtimations and Prices of the ſame above-mentioned, yearly ſince the ſaid Ejection and Intruſion, and in time-coming, ay and while they be repoſſeſſed and reponed in manner foreſaid, and in like manner to reſtore to the ſaids Purſuers the foreſaid Goods, Gear, Pleniſhing, Horſe, Nolt, Sheep, Goats, and others above-ſpecified, upon the Ground and place furth of which they were wrongouſly ſpuilzied and away taken as ſaid is, and in as good Caſe and Condition as they were the time above-mentioned of the ſaid Spuilziation, or elſe to make payment to them of the Avails, Eſtimations and Prices of the ſame above-written, together with the excreſcent Profits thereof above-rehearſed, or Avails and Prices thereof above-written, and that yearly, and ilk year, daily, and ilk day ſince the time foreſaid of the ſaid Spulziation, and in all time coming during the not Reſtauration or payment of the ſaid Prices, conform to the Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes in all Points, or elſe to alledge a reaſonable Cauſe as in the former Summonds with a ſecond Dyet, *According to Juſtice as ye will anſwer*, &c.

SUMMONDS of Spuilzie.

CHARLES, &c. *To Our Lovits* ——, *Our Sheriffs in that part, and Meſſengers* reſpective, *conjunctly and ſeverally, ſpecially conſtitute, Greeting:* Our Will is, *and we charge you, that ye lawfully Summond, Warn and Charge* (here leave Blank for (6) Lines) *perſonally, or at their Dwelling places, on twenty one days warning, to compear* (as in the preceeding Summonds till ye come to and then ſay) *to anſwer at the inſtance of A. B. of* ——*againſt whom, and to whoſe great hurt and prejudice the Spulzie after-ſpecified was violently & moſt illegally committed, in manner and at the time aftermentioned, and thereby having ſufficient good and undoubted Right and Intereſt to purſue the Action of Spulziation under-written in manner after-rehearſed,* that is to ſay, *the ſaids Defenders for the wrongous, violent, and maſterfull coming by themſelves, their Men, Tennents, Servants, and others in their names, of their Cauſing, Sending and hounding-out in the Month of* —— 16 —— *years, and*

on

on or other of the days of the ſaid Moneth, to the Ground of the Lands of —— lyand within the Parochin of —— and Sheriffdom of —— and there in the wrongous, violent and maſterful Spuilziation, intrometting-with, and away-taking frae the ſaid Purſuer off the Ground of the ſaids Lands, of the Corns, Cattel, Horſe, Nolt, Sheep, Cowes, Oxen, Goats, Inſight, Pleniſhing, and other Goods and Gear after-ſpecified (6) of the Avails, Quantities, Eſtimations and Prices after-mentioned, viz. (leave Blank for a Sheet, and thereafter ſay) then pertaining and belonging to the ſaid Purſuer, and being in his Poſſeſſion on the Ground of the ſaids Lands, with the Pertinents, by keeping of the ſaids goods working and labouring therewith, and paſtouring on the ſaids Lands, and doing all other ordinary and uſual Deeds of Poſſeſſion, and otherways uſing and diſpoſing on the ſame as his own proper Goods, Gear and Beſtial, and that divers years, Months, or days preceeding the foreſaid Spuilziation; and ſicklike for the wrongous, violent and Maſterful keeping, detaining, and as yet withholding of the ſame from the ſaid Purſuer continually ſinſyne now by the ſpace of —— together with the excreſcent Profits thereof under-written, extending the ſaid excreſcent Profits yearly, and ilk year, daily and ilk day in Milkneſs, Work, Hire, Gange and otherways, to the particular Quantities, Avails, Eſtimations and Prices after-mentioned, viz. (leave Blank for an other ſheet, and then ſay) and which Goods, Gear, Cattel and others above-ſpecified were worth and would have given and yielded to the ſaid Purſuer the reſpective Avails, Eſtimations and excreſcent Profits, and Prices above-written, had not they violently been Spuilzied, intrometted-with, and away taken by the ſaids Defenders and their foreſaids, of their cauſing and command as ſaid is frae the ſaid Purſuer, in manner and at the time above-rehearſed, and alſo wrongouſly and violently kept and detained by them from him ever ſince, but that they had been ſuffered and allowed to remain and abide with him, and in his Poſſeſſion as formerly; And therefore the ſaids Defenders to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that they have done wrong in the foreſaid wrongous, violent and maſter-ful Spuilziation and Detention, and the ſame being ſua found and declared the ſaids Defenders to hear and ſee themſelves decerned and ordained to reſtore and deliver to the ſaid Purſuer, the foreſaid Goods, Gear, Inſight, Pleniſhing, Horſe, Nolt, Sheep, Oxen, Cowes, Goats, and others above-ſpecified, wrongouſly, violently and maſter-fully ſpuilzied, intrometted-with and away taken by them frae him in manner, and at the time above-mentioned, and that to the Ground and place furth of which they were ſpuilzied and away-taken as ſaid is, and in als good Caſe and Condition as the ſame were the time of the Spuilziation thereof, or elſe to make payment to him of the Avails, Eſtimations and Prices of the ſame above-written, together with the excreſcent Profits of the ſaids Goods, Gear, Cattel and others foreſaids, yearly, and ilk year and daily, and ilk day, in Milkneſs, Work, Hire-gang, and otherways, or Avails and Prices of the ſame above-expreſt, ſince the time of the Spuilziation, and in all time coming during the not Reſtauration of the ſaids Goods, Cattel, and others foreſaids or payment of the Prices thereof in manner foreſaid, conform to the Laws and daily Practique of this our Realm, uſed and obſerved in the like Caſes in all Points, or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done: With Certifications (as in the former Summonds of Ejection and Intruſion, and then a ſecond Dyet, after which according to Juſtice as ye will anſwer, &c.

SUMMONDS of Recent Spuilzie, which muſt be purſued within fifteen days after committing thereof.

CHARLES, *&c.* To our Lovits —— Our Sheriffs in that Part, and Meſſengers *reſpectivè* conjunctly and ſeverally ſpecially Conſtitute, Greeting: *Our Will is*, and we charge you, that ye lawfully Summond, Warn and Charge *(leave Blank for (6) Lines)* perſonally, or at their Dwelling-places, on fifteen days warning to compear *(as in the preceeding Stile, and then ſay)*, to anſwer at the Inſtance of *A. B.* againſt whom, and to whoſe great Hurt and Prejudice the Spulzie after-ſpecified was recently committed, in manner after-mentioned, and thereby has ſufficient, good and undoubted Right and Intereſt to purſue the Action of Recent, Spulzie under-written, in manner after expreſt, *that is to ſay*, the ſaids Defenders for the wrongous, violent and maſterful coming by themſelves, their Men-Tennents, Servants, and others in their Names, of their Cauſing, Sending, Hounding-out, Command and Aſſiſtance upon the —— day of —— inſtant, to the ground of the Lands of ——, lyand within the Parochin of —— and Sheroffdom of —— and there in the wrongous, violent and maſterful Spulziation, intrometting with, and away-taking from the ſaid Purſuer off the Ground of the ſaids Lands, the Corns, Cattel, Horſe, Nolt, Sheep, Oxen, Cowes, Goats, Pleneſhing, and other Goods and Gear after-ſpecified *(follow furth the Stile of the former Summonds from this (6) Figure to the end; Only advert*, that ſince this is a recent Spulzie, and purſued within fifteen days, *ye muſt not ſay yearly, and ilk year, but only dayly, and ilk day.*

Nota Primo, *This Summonds muſt have a Bill, becauſe it muſt bear to be called ſummarly on fifteen days warning, being a recent Spulzie, and ſo priviledged of its own Nature and Merites, ſummar Proceſs conform to the Lords, dayly Practique and Order uſed and obſerved in the like Caſes, and their deliverance to be granted thereanents which being written upon in the* Bill Chamber, *and paſt by the Lord Ordinarie on the Bills, and alſo ſubſcribed by the Clerk of the Bills, the Summonds is written thereon* ut ſupra, *wherein ye muſt ſay*, Conform to the Lords daily Practique, and Order uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, for now the bill is paſt, and differs in that from the Bill.

SUMMONDS of wrongous Intromiſſion.

CHARLES, *&c.* To our Lovits —— Our Sheriffs in that part, and Meſſengers *reſpectivè*, Conjunctly and ſeverally ſpecially Conſtitute, Greeting: *Our Will is*, and We Charge you, that ye lawfully Summond, Warn and charge *(leave Blank for ſix Lines)* perſonally, or at their Dwelling-places on 21 days warning, to compear *(follow furth the former Stile till ye come to, and then ſay)* to anſwer at the inſtance of *A. B.* of —— in the matter under-written, *that is to ſay*, the ſaids Defenders for the wrongous violent and Maſterful coming by themſelves, their Men-Tennents, Servants and others in their Names of their cauſing Command and hound-out upon the — day of —— 16 —— years, to the ground of the Lands of —— lyand within the Parochin of —— and Sheriffdom of —— and there in the wrongous, violent and maſterful

masterful Iuttrometting-with, and away-taking frae the said Pursuer off the ground of the said *Lands* the Corns, Cattel Horse, Nolt, Sheep, Oxen, Cowes, Goats, Plenishing, and others afterspecified, of the Avails, Quantities, Estimations and Prices after-mentioned. (*leave Blank for a sheet, and then say*) then pertaining and belonging to the said Pursuer, and being in his Possession on the ground of the saids Lands, with the Pertinents, by keeping of the saids Goods, working and labouring therewith, Pastouring on the saids Lands, and doing all other ordinary and usual Deeds of possession, and otherways using and disponing thereupon as his own proper Goods, Gear and Cattel, and that divers years (at least Months or *Days*) preceeding the said wrongous Intromission; And sicklike for the wrongous, violent and Masterful detaining keeping and withholding the same frae him continually sinsyne, now by the space of —— wherethrow they have damnified and prejudged the Pursuer in the *Sum* of —— attour the Value of the Goods themselves, conform to a particular Accompt thereof a part (here holden as for expresst and compted as a part of this present Lybel *brevitatis causa*); And therefore the saids Defenders to hear and see it found and declared by Decreet of our Lords of Council and Session, that they have done wrong in the foresaid wrongous, violent and masterful Intromission and Detention; And the same being so found and declared, to hear and see themselves decerned by Decreet foresaid, to restore, and deliver to the said Pursuer, the foresaids Corns, Cattel, Nolt, Sheep, Cowes, Oxen, Goats, Plenishing, and other Goods and Gear above-specified, upon the foresaid Ground and Place furth of which they were wrongously taken as said is, and in als good Case and Condition as they were the time of their Intromission therewith and away-taking of the same, or else to make payment to the said Pursuer of the Avails, Estimations and Prices of the same above-specified, and sicklike to make payment to him of the foresaid Damage and Prejudice sustained by him, by and throw the said wrongous Intromission extending in manner foresaid, conform to the *Laws* and daily Practique of this our Realm, used and observed in the like Cases, in all *Points*, or else to alledge an reasonable Cause why the same should not be done; With Certification to the saids Defenders if they failzie, our saids Lords of Council and Session will proceed in the said matter, and find, decern and declare in manner foresaid, *to insert a second Dyet, and then*, According to Justice as ye will Answer, *&c.*

Nota, *this Summonds differs from a Spuilzie in thir things.* 1. *As to the Stile, as appears by reading both.* 2. *A Spuilzie must be pursued within three year after committing thereof, else resolves only in a wrongous Intromission, which may be pursued at any time within Prescription; And this is the Reason I set down both, albeit I know few Summonds of wrongous Intromission are now raised but Spuilzes, and when it comes to be discussed, the Pursuer restricts it (upon the first Defences not pursued within three years) to a wrongous Intromission.*

SUMMONDS of succeeding in Vice and Vitious Possession.

CHARLES, &c. To Our Lovits ——, Our Sheriffs in that part, conjunctly and severally, specially constitute, Greeting. —— Mean'd and shown to Us by *A. D.* of *S.* That where upon the ——day of —— 16— years, the said Pursuer obtained an Decreet of Removing at his instance before Our Lords of Council and Session, against *J. S.* of —— and *W. C.* his Hynd; decerning and ordaining them to Flit and Remove themselves, their Wives, Bairns, Families, Servants, Cottars, Goods and Gear, furth and frae all and

haill the ſaid Purſuer his Lands of *S.* with the Pertinents, lying within the Parochin of —— and Sheriffdom of ——, and to deſiſt and ceaſe therefrae, and to leave the ſame void and red, as they that were lawfully warned for that effect, before the Feaſt and Term of *Whitſunday* in the year of God 16— years, to the effect the ſaid Purſuer might enter thereto, and peaceably Poſſeſs, Bruik and Enjoy the ſame as his own proper Heretage, at his pleaſure thereafter in time coming, conform to his Infeftment thereof. Warning made by the Purſuer by vertue of the ſame, and Act of Parliament anent Removing in ſuch Points, as the ſaid Decreet of the date foreſaid at more length bears; Likeas conform thereto, and Letters of Horning raiſed thereupon, the ſaids Defenders upon the —— day of —— thereafter, lawfully Charged, perſonally Apprehended, to remove themſelves and their foreſaids, with their Goods and Gear, in manner and to the effect above-ſpecified, and that within the ſpace, and with Certification mentioned in the ſaids Letters, as the ſame and Executions thereof in themſelves alſo more fully is contained. Notwithſtanding whereof, the ſaid *J.S.* and his Hynd, in manifeſt contempt of Our ſaids Lords their Decreet, Horning raiſed thereupon, and Charge given by vertue thereof, and of Our Authority and *Laws*, and inplace of giving Obedience, did in a moſt privat and clandeſtine manner, upon the —— day of —— 16— years, remove, and by connivance *D.C.* entered in the Poſſeſſion of the ſame, and that without any Right or Tack from, or Conſent of the ſaid Purſuer Heretor thereof, and thereby the ſaid *D.C. &c.* by themſelves, Tennents, Servants and Cotters, with their Goods and Gear, have intruded in the Poſſeſſion of the ſaids Lands and Pertinents, and thereby entered and ſucceeded in the ſaids *J.S.* and —— their Vice and violent Occupation thereof; likeas, the ſaid *D.C. &c.* have by themſelves, their Servants, Complices, and others in their Names, of their cauſing, hounding-out, command, aſſiſtance & ratihabition, ever ſince, moſt contumelioufly, wrongouſly, violently and maſterfully Occupied, Laboured, *Manured*, Poſſeſt, Detained and With-holden the ſaids Lands, with their Pertinents, frae the ſaid Purſuer, together with the haill *Mails*, Farms, Kains, Cuſtoms, *Caſualities*, Profits and Duties of the ſame, now by the ſpace after-ſpecified, extending yearly, and ilk year, and in the haill, to the Avails, Quantities, Eſtimations and Prices after-mentioned, *viz.* (*here leave Blank for half Sheet, and then ſay*) and which the ſame Lands and other Pertinents were worth, and would have yielded to the ſaid Purſuer during the ſaid ſpace, had the ſaid *D.C. &c.* Defenders not then wrongouſly, violently, and without any order of Law, intruded themſelves in the Poſſeſſion thereof, and thereby ſucceeding to the ſaid *J.S.* and his ſaid Hynd, in the ſame violent Occupation, and continued therein now by the ſpace above-written, but had ſuffered the ſaid Purſuer to have entered peaceably thereto, and bruik, joiſe and poſſeſs the ſame by himſelf, Tennents and Servants, and their Cattel, Goods and Gear, conform to his ſaid Right and Infeftment, Decreet of Removing obtained conform thereto, Letters raiſed thereupon, and Charge given to the former Tennents by vertue thereof, Laws and Acts of Parliament of this our Realm in that caſe provided, wherethrow the ſaids Defenders are not only lyable *in ſolidum* to the ſaid Purſuer by the Laws and Practique of this Kingdom, of the ſaids *Mails*, Farms, Profits, Duties and Caſualities yearly during the ſaid ſpace, and extending as ſaid is, but alſo of als much more (being double Mail or Duty,) as the *pœna juris* of the ſaid violent Intruſion, in the ſaid Poſſeſſion of the ſaids Lands and Pertinents, and coming in Vice of the ſaid *J.S.* and his ſaid Hynd, who were formerly Tennents, and lawfully warned, decerned and charged to Remove therefrae in manner foreſaid, and thereby lyable to the ſaid Duplication in the ſame manner, as if the ſaids former Tennents would have been in caſe they had not removed, but violently

continued

continued their Poſſeſſion, contrair to the ſaid Decreet of Removing and Charges and farder, the ſaids Defenders will on no ways as yet deſiſt frae the ſaids Lands with their Pertinents, and leave the ſame void and red of them, their Tennents, Servants, Cotters, Goods and Gear, to the effect the ſaid Purſuer may enter thereto, and peaceably poſſeſs, bruik, joiſe, occupy, labour, manure, ſet, raiſe, uſe and diſpoſe thereupon at pleaſure, and to make Payment to him of the like double and violent Profits yearly, and ilk year in time-coming during their not Removal and Re-poſſeſſion of the Purſuer, albeit they be oft and divers times deſired and required thereto, without they be compelled, as is alledged. *Our Will is herefore*, and We Charge you, that ye peremptorly Summond, Warn and Charge the ſaid *D. C. &c.* perſonally or at their dwelling-places, on twenty one days Warning, to compear, *&c.* to anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter, *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of Our ſaids Lords of Council and Seſſion, that they have done wrong by themſelves and their foreſaids, of their cauſing, and command as ſaid is, in intruding themſelves, Tennents, Servants, Cotters, Goods and Gear in the ſaids Lands, with the Pertinents formerly occupyed and poſſeſſed by the ſaids *J. S.* and his ſaid Hynd the time above-ſpecified, and ſucceeding upon their Removal in their Vice and violent Poſſeſſion and Occupation thereof, and als in the wrongous, violent and maſterful Labouring, *M*anuring and With-holding from the Purſuer of the ſame Lands with the *P*ertinents, together with the haill Mails, Farms, Profits, Duties and Caſualities thereof yearly ſinſyne, now by the ſpace above-mentioned, and of the Avails, Quantities and Eſtimatione and Prices above-written, extending as ſaid is, (and which the ſaid Purſuer might have made thereof, had the Defenders not intruded themſelves in the Poſſeſſion, but ſuffered and permitted the Purſuer to have entered thereto, and peaceably Poſſeſt and Enjoyed the ſame, in manner above-expreſt,) together alſo with the Duplication of the ſame during the ſaid ſpace, likeways by them due in Law as ſucceeding in the former Tennents Vice and violent Poſſeſſion, after obtaining of the ſaid Decreet of Removing and Charge following thereupon; and the ſame being ſua found and declared, the ſaids Defenders to hear and ſee themſelves decerned and ordained by Decreet of Our ſaids Lords, to make Payment to the ſaid Purſuer of the foreſaids Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the Lands and others above-ſpecified, of the Avails, Quantities, Eſtimations and Prices above-mentioned yearly, and ilk year ſince the time above-written of the ſaid *J. S. &c.* their Removal therefrae, and the ſaids Defenders their wrongous, violent and maſterful Intruding of themſelves therein, but any Right, Title or Order of Law as ſaid is, now by the ſpace aforeſaid, and extending in haill in manner above-expreſt, (and which the *P*urſuer might have made thereof, and the ſaids Lands with the Pertinents, would have yielded to him,) had not they entred in the violent Poſſeſſion, but that the Purſuer had been ſuffered and permitted to enter thereto, and peaceably to have *P*oſſeſt, Enjoyed, Laboured and Manured the ſame in manner above-rehearſed; and ſicklike, to make Payment to him of the ſaid double Mail, as they who ſucceeded in the ſaid former Tennents their Vice and violent Poſſeſſion, after obtaining of the ſaid Decreet of Removing, and Charge following thereupon, and that alſo yearly during the ſaid ſpace (as *pœna juris*) incurred by them there-throw: And laſtly, to hear and ſee themſelves decerned to Flit and Remove themſelves, their Tennents, Servants, Families, Sub-tennents, Cotters, Goods and Gear therefrae, and to deſiſt and ceaſe from all *L*abouring and Manuring, or Poſſeſſing the ſame in time-coming, and to ſuffer and permit the ſaid Purſuer to enter thereto, and peaceably Poſſeſs, Bruik, Enjoy, Labour, Manure, Set, Raiſe,

Uſe and Diſpone thereupon at pleaſure, and to make Payment to him of the like *Mails*, Farms, Kains, Cuſtoms, Caſualities, Profits, Duties and Duplication thereof, yearly and termly in time-coming, ay and while the ſaids Defenders remove, and that the ſaid Purſuer Enter and be peaceably Re-poſſeſſed in manner above-expreſt, after the Form and Tenor of the ſaid Purſuer his Rights and Infeftments, Decreet of Removing, Horning raiſed thereupon, and Charge given to the former Tennents by vertue thereof, Laws and dayly Practique of this Our Realm, heretofore inviolably obſerved in the like Caſes in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done; with Certification to the ſaids Defenders if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and find, decern and declare in manner foreſaid, according to Juſtice, and for the *Coſts* and Skaiths, *&c.* to be called ſummarly on ſix days Warning, but *Dyet*, Table, or Continuation of other Summonds, becauſe the foreſaid Action is acceſſory to the ſaid *Decreet* of Removing, Horning and Charge follows and depends thereupon, and is a part of the Execution thereof, and ſo Merits ſummar *Proceſs*, conform to the ſaids Lords their dayly Practique and order, uſed and obſerved in the like Caſes, and their *Deliverance* granted thereanent, as ye will Anſwer, *&c.*

Ex Deliberatione Dominorum Concilii.

Nota, *I have ſeen a Summonds of this Nature ſome thirty two years ago, dated the 2d of* February 1591, *and thought fit to add the ſame with the reſt, but I admire why the ſame was without Continuation of other Summonds; for albeit it being acceſſory to the Decreet of Removing, it might have been priviledged on ſix days, yet becauſe of the Conſequence and Import,* viz. *not only the neceſſity of a Probation of the Duties and Caſualities, but alſo that double Maill is libelled and concluded, as ſucceeding in Vice and violent Poſſeſſion of the former Tennent againſt whom Decreet was obtained, and which behoved alſo to be proven: In my Opinion, it ſhould have been with Continuation, and conſequently now with a ſecond Dyet, as differing in thoſe points from a ſimple Removing; but it ſeems, as the Act was contemptuous, ſo the Lords ſuſtained ſuch Proceſſes ſummarly.*

SUMMONDS of Reduction of an Decreet-Arbitral, either Pronounced *ultra vires compromiſſi*, or upon the head of Iniquity.

CHARLES, *&c. To —— Our Sheriffs in that part, and Meſſengers* reſpective, *conjunctly and ſeverally, ſpecially conſtitute*, Greeting, &c. Our Will is, *and We Charge you, that ye peremptorly Summond, Warn and Charge ——, in whoſe favours the pretended Decreet-Arbitral after-ſpecified is given and pronounced, in manner after-mentioned —— Judges-Arbitrators, and —— Overſman, who, or ane or other of them are alledged — Givers and* Pronouncers *thereof, perſonally or at their dwelling-places, on twenty one days Warning, and all others*, &c. *by open* Proclamation, &c. *to compear before Our Lords of Council and Seſſion*, &c. *to anſwer at the inſtance of* A.B. *of ——, againſt whom, and to whoſe great hurt and prejudice the ſaid pretended Decreet-Arbitral is alledged, given and pronounced, either* ultra vires compromiſſi, *or moſt partially and iniquouſly, in manner after-ſpecified; and thereby having ſufficient good and undoubted Right and Intereſt, to call for Exhibition and Production thereof, and Submiſſion whereupon the ſame proceeds, and to Proſecute, Follow-furth and Purſue*

ſue the Action of Reduction of the ſame under-written, in manner after-expreſt, that is to ſay, *the ſaids Defenders to bring with them, exhibite and produce before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of days, the pretended Submiſſion*, (here leave Blank for the Production) *of the Dates, Tenors and Contents above-ſpecified, or of whatſoever other Dates, Tenors or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced*, (6) *retreated, reſcinded, caſſed, annulled, decerned and declared by their Decreet, to have been frae the beginning, to be now and in all time coming null and of none avail, force, ſtrength nor effect, with all that has followed or may follow thereupon, and the ſaid Purſuer reſtored and reponed* in integrum *againſt the ſame*, (7) *for the reaſons and cauſes following*, (here leave Blank for the Reaſons) *and therefore the foreſaid pretended Submiſſion and Decreet-Arbitral, of the Dates, Tenors and Contents above-ſpecified, or of whatſomever other Dates, Tenors or Contents the ſame be of, ought and ſhould be Reduced*, (take in as above, from the 6 Figure till ye come to the 7 Figure, and then ſay) *for the Reaſons and Cauſes foreſaids and others, or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done; with Certification to the ſaids Defenders if they failzie, the ſaids Lords will proceed in the ſaid Matter, and reduce, decern and declare in manner foreſaid*, (to Inſert a ſecond Dyet, as in other Reductions, and then) *according to Juſtice, as ye will Anſwer*, &c. *Given*

SUMMONDS of Reduction of a Tutory or Curatrie to a Furious Man againſt the Tutors or Curators, including alſo a Declarator of the perſon once furious his being reſtored to Health, Memory and Judgement & rei ſuæ providus.

CHARLES, —— To ——, Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially Conſtitute, Greeting. *Our Will is*, and We Charge you, that ye peremptorly Summond, Warn and Charge *A. B.* of —— and *C. D.* of —— Tutors and Curators to *H. D.* of —— during Life, by reaſon of his *Furioſity* and In-diſpoſition for the time) Perſonally, or at their Dwelling-places, on twenty one days Warning, and all others having, or pretending to have Intereſt in the matter underwritten, by open Proclamation —— to compear —— to anſwer at the inſtance of the ſaid *H. D.*, for whoſe good and utility, albeit the ſaid Tutory and Curatrie was granted at firſt by reaſon of his Furioſity, Diſtemper, and Indiſpoſition at the time; Yet now being by the Bleſſing and Mercy of God reſtored to his perfect Health, Strength, Memory and Judgement, and known to be *reiſua providus*, the continuance of the ſaid Office, tends not only much to his prejudice, but alſo reflects upon his Honour and Reputation, neither will any deal with him in the leaſt Affair, Trade or Commerce, and thereby improfitable and inſignificant in a World, wherethrow, and that his Fame and good Name, Honour and Intereſt may be fully redintegrat, revived and preſerved, and all perſons in Capacity and put *in tuto* to deal with him, haveing now after his 21 years compleat, ſufficient, good and indoubted Right and Intereſt, to call for Exhibition and Production of the ſaid Tutory und Curatrie, and to proſecute, follow furth and purſue the Action of Reduction and Declarator after ſpecified, in manner after-mentioned; *That is to ſay*, the ſaids Defenders to bring with them, Exhibit and produce before the ſaids Lords the ſaid day and place, in the hour of Cauſe, with continuation of days (*leave Blank for the Production*) of the Date, Tenor and Contents above-ſpecified, or of whatſoever other Date, Tenor or Contents the ſame be of to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced, retreated,

reſcinded, caſſed, annulled, deserned and declared by their Decreet, to have been fra the beginning (at leaſt ſince the Month of —— 16—— years, at which time the Purſuer was quite, rid and free of his former Furioſity, Diſtemper and Indiſpoſition, and by the Mercy and Bleſſing of God attained to his perfect Health, Memory and Judgement) to be now and in all time coming null and of none Avail, Force, Strength nor Effect, with all that has followed or may follow thereupon, for the Reaſons and Cauſes following; *In the firſt* (*here leave Blank for the Reaſons*) and to hear and ſee it found and Declared by Decreet foreſaid, that the ſaid Purſuer ſince the time above-ſpecified was Quite, Rid and Free of his former Furioſity, Indiſpoſition and Diſtemper, and by the Mercy and Bleſſing of God perfectly reſtored to his Health, Memory and Judgement, and by ſeveral Acts and Demonſtrations has given full and clear Evidences, that he is *compos mentis, & rei ſuæ providus*, and ſo without any neceſſity of lying under any ſuch Tutory, Curatrie or Adminiſtration, as by the Law were given to him the time of his ſaid Indiſpoſition aforeſaid; And the ſame being ſo found and Declared, the ſaids Defenders to hear and ſee the foreſaid Gift of Tutory and Curatrie, and Office thereof declared extinct, void and null for the future, and that all Acts and Deeds to be done by him *per ſe*, and without Conſent of the Defenders in time-coming, in the Adminiſtrations of his Eſtate and Affairs or otherways ſhall ſtand good and valid, and be als ſufficient, and of als great Force and Effect to all intents and purpoſes, as if the ſaid Purſuer had never been furious, or under ſuch Indiſpoſition of Body or Mind, or any ſuch Gift granted on that account; And therefore the foreſaid pretended Gift ought and ſhould be reduced, retreated, reſcinded, caſſed, annulled, decerned and declared by Decreet of the ſaids Lords, to have been from the beginning (at leaſt ſince the time above-ſpecified of his being free of his Diſtemper and Indiſpoſition, and attaining to his perfect Health, Memory, and Judgment in manner foreſaid) and als in all time-coming null and of none Avail, Force, Strength nor Effect, with all that has followed or may follow on the ſame, for the Reaſons and Cauſes foreſaids and others, and it ought and ſhould be found and declared by Decreet foreſaid, that the ſaid Purſuer ſince the time above-ſpecified was rid and free of his former Furioſity, Indiſpoſition and Diſtemper, and by the Mercy and Bleſſing of God perfectly reſtored to his Health, Strength, Memory and Judgment, and by ſeveral Acts and Demonſtrations, has given full and clear Evidences that he is *compos mentis & rei ſuæ providus*, and ſo without a neceſſity of lying under any ſuch Tutory, Curatrie and Adminiſtration, as by the Laws given the time of his Indiſpoſition aforeſaid; And the ſame being ſua found and Declared, the foreſaid Gift of Tutory and Curatrie, and Office thereof, ought and ſhould be alſo declared extinct, void and null for the future, and that all Acts and Deeds to be done by him *per ſe*, and without conſent of the ſaids Tutors, Curators and Adminiſtrators, in all time coming in the Adminiſtration of his ſaid Eſtate and Affairs, or otherways ſhall ſtand good and valid, and be als ſufficient, and of als great Force, Strength and Effect to all intents and purpoſes, as if the ſaid Purſuer had never been Furious, or under ſuch Indiſpoſition of Body or Mind, or any ſuch Gift granted on that account, conform to the Laws and dayly Practique of this our Realm, uſed and obſerved in the like caſes in all Points, or elſe to alledge, *&c.* With Certification to the ſaids Defenders if they fallzie, Our ſaids Lords will proceed in the ſaid Matter, and reduce, find, Decern and Declare in manner foreſaid, to inſert a ſecond Dyet, and needs no Bill.

Nota, *If they came to the Office by Brief and Service, that muſt be reduced, and the ſaid Declarator followed* mutatis mutandis.

SUMMONDS

SUMMONDS on the Paſſive Titles.

CHARLES, *&c.* To ——— Our Sheriffs in that Part, and *Meſſengers reſpectivè &c.* that where the Deceaſt *A. B.* of ——— by his Bond dated the ——day of —— 16 —— years, (for the Cauſes therein ſpecified) band and obliged him, his Heirs Executors, Succeſſors and Intromettors with his Goods and Gear whatſoever, to have contented and payed to the ſaid Purſuer, his Heirs, Executors or Aſſigneys, the Sum of ——*ſcots* Money as Principle, with the Annualrent thereof, from the Term of —— to the Term of payment under-written, and that betwixt the date foreſaid of the ſaid Bond, and the Feaſt and Term of —— then next to come, but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, together with the ordinar Annualrent of the ſaid Principal Sum, conform to the Act of Parliament, and that yearly, termly and continually during the the not payment thereof after the ſaid Term, as the ſaid Bond of the date foreſaid. in it ſelf more fully proports; And albeit it be of verity, that the foreſaids Sums of Money be as yet truely addebted and reſting, owing, unpayed, and that the ſaid Purſuer (6) has oft and divers times deſired and required *C. B.* now of —— eldeſt lawful Son and Heir, Served & Retoured to the ſaid deceaſt *A. B.* at leaſt lawfully Charged to enter Heir to him within 40 days, conform to the Act of Parliament, at leaſt bearing and behaving himſelf as Heir to him by Intromiſſion with his Heirſhip, Goods and Gear, *titulo lucrativo*, at leaſt Singular Succeſſor to him in his Lands and Heretages *poſt contractum Debitum*, at leaſt as he who accepted of a Diſpoſition or other Right from his ſaid deceaſt Father of his Lands and Eſtate, or ſome part or Portion thereof, with the Burden of the payment of his Debts contracted and to have been contracted, at leaſt Executor, decerned and confirmed to him, or univerſal Intrometter with his Goods, Gear, and Debts, and his Tutors and Curators if he any has for their Intereſts, to have made payment to the ſaid Purſuer thereof, conform to the ſaid *Bond* (7) and *Laws* and Practique of this Kingdom in all Points, Nevertheleſs, *&c.* as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the ſaid *C. B.* Defender, *nominibus paſſivis quibus ſupra*, perſonally, or at his Dwelling-place on 21 days warning, and his Tutors and Curators, if he any has for their Intereſts, by open Proclamation, at the Mercat-Croſs of ——, and other places needful, to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *that is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verefied and proven to be of verity; And the ſame being ſo verefied and proven, the ſaid *C. B.* Defender upon the Paſſive titles above-ſpecified, or an or other of them, and his ſaids Tutors and Curators for their Intereſts, to hear and ſee themſelves decerned, and Ordained by Decreet of our ſaids Lords of Council and Seſſion, to make payment to the ſaid Purſuer (8) of the ſaid Sum of —— *Money* foreſaid of Principal, with the Sum of —— Money above-written of Expenſes, together with the Ordinary Annualrent of the ſaid principal Sum, conform to the Act of Parliament, of all years and terms by-gone, *Reſting*, Owing, unpayed; And ſicklike yearly and termly in time-coming during the not payment thereof (the Terms of payment of the ſame being firſt come and bygone) after the Form and Tenor of the ſaid Bond (9) Laws and Practique of this our Realm, in all Points, or elſe to alledge, *&c.* With Certification to the ſaids Defenders if they failzie, the ſaids *Lords* will proceed in the ſaid matter, and Decern therein in manner foreſaid, according to Juſtice, *&c.*

Nota 1. *If the Purſuer has not a general Charge execute, or cannot prove another Paſſive Title by writ, there is a Neceſſity to inſert a ſecond Dyet before according to Juſtice.* 2. *If the ſum be aſſigned, the Aſſigney muſt be the Purſuer, and after Deduction of the Bond (ſpeaking of the Creditor in the third Perſon) then deduce alſo the Aſſignation* Curtly *as ye do in a Horning.* 3. *In this caſe add at this (6) Figure as Aſſigney foreſaid.* 4. *At this (7) Figure add and Aſſignation.* 5. *at this (8) Figure add as Aſſigney foreſaid.* 6. *At this (9) Figure add and Aſſignation.*

Nota, *Sometime the Debitor is alive and the Creditor dead, in which caſe, the perſon that repreſents the Creditor whether as Heir or Executor, (which by the Nature and Conception of the Bond muſt be determined) or if by Aſſignation frae the Creditor, and intimat in his lifetime muſt be the Purſuer, and libel his Title, and in all other things the former Stile holds narrating the Aſſignation and Intimation (if that be the Title)* ut ſupra.

Nota, *Except where the Defender is Minor, Tutors and Curators need not be inſert or cited, and if the Purſuer (whatever be his Title to the Debt) be Minor, his Tutors and Curators muſt likeways be made Purſuers for their Intereſts.*

Nota, *When this Summonds is execute, and called by the Courſe of the Roll, if no Paſſive Title can be made out againſt him (except that of lawfully Charged to enter Heir), and that the Defender offer to Renounce, then he either inſtantly produces or takes a day, which being aſſigned to him, at the day, he either produces or not, if not, he is decerned as lawfully charged to enter Heir, and Decreet being extracted, all Diligence and Execution competent enſues thereupon as in my firſt Part (treating upon real and perſonal Diligence) but if he Renounce, then he is aſſoilzied frae the Purſuite, and yet decerned againſt* cognitionis cauſa —— *which being extracted, ye thereupon raiſe the Summonds of Adjudication following.*

SUMMONDS of ADJUDICATION upon a Decreet cognitionis Cauſa *wherein is ſuppoſed there be Lands holden of the King, Burgage and otherways, and likeways of other Superiors.*

CHARLES, &c. to —— Sheriffs in that Part, conjunctly and ſeverally, &c. Mean't and ſhown to us by G. D. *of —— that where* (here take in the Narrative of the former Summonds till ye come to (and albeit it be of verity) and then libel thus: *Whereupon the ſaid Purſuer raiſed Summonds, and intented Action at his Inſtance before the Lords of Council and Seſſion, againſt* C. B. *now of —— as eldeſt lawful Son and Heir ſerved and retoured to the ſaid deceaſt* A. B. *at leaſt lawfully charged to enter Heir to him within fourty days, conform to the Act of Parliament, and upon the remanent paſſive Titles, and which Summonds being called in preſence of the ſaids Lords, upon the —— day of —— laſt bypaſt, and the ſaid Purſuer compearing by* S. R. C. *his Advocat, who for him produced the ſaid Bond to veriſie the Debt, and thereafter declared, that he inſiſted againſt the Defender as lawfully charged to enter Heir to his ſaid deceaſt Father, and for inſtructing of that paſſive Title, produced Letters of General Charge to enter Heir at the inſtance of the Purſuer againſt the Defender, with the Executions thereof, under the hand of —— Meſſenger, bearing, that upon the —— day of —— laſt bypaſt, he charged the Defender and his Tutors and Curators for their Intereſt, to enter him Heir to his ſaid deceaſt Father within 40 days, con-*

form

form to the Act of Parliament, to the effect, and with Certification ſpecified in the ſaids Letters and Executions thereof, and the ſaid Defender compearing by S. D.C. Advocat his Procurator alledged, that the Defender ought to be aſſoilzied, becauſe he offered to Renounce, and craved a day might be aſſigned to him for that effect, which the Lords granted, and the day aſſigned being elapſed, and the ſaid Action of new called in their preſence upon the —— day of —— laſt, the ſaid S. D. C. —— for the Defender produced a Renunciation ſubſcribed by his ſaid Client, dated the —— day of —— whereby he Renounced to be Heir to his ſaid deceaſt Father, with all Profit and Beneſite that might accrew to him (if he were Heir) in favours of the Purſuer, his Heirs and Aſſigneys, and in reſpect thereof Proteſted his Client might be Aſſoilzied from the ſaids Summonds, and haill Concluſion thereof, whereupon the Purſuer and his Procurator craved Decreet cognitionis cauſa contra hæreditatem jacentem & bona immobilia, and other Goods and Gear pertaining to the Defunct, and that might belong and appertain to the Defender, had he repreſented and not renounced to be Heir to him in manner foreſaid; all which Debate and Writs produced, being at length heard, ſeen and conſidered by the ſaids Lords, and they therewith being well and ripely Adviſed, they by their Decreet then given and pronounced by them in the ſaid Matter, Aſſoilzied the ſaid Defender and his ſaid Tutors and Curators, (here take in the Words of the Decernitor in the Decreet *cognitionis cauſa*, till ye come to the *Becauſe*, and then ſay) as the ſaid Decreet cognitionis cauſa of the Date foreſaid in it ſelf more fully proports: And true it is, that the ſaid deceaſt A.B. of —— had pertaining Heretably, or otherways to him, the time of his deceaſe, the Lands, Tenements and others after-ſpecified, holden of the Superiors after-mentioned, viz. (leave Blank for a Sheet to fill the ſame up) and therefore the foreſaids Lands, Tenements and others above-ſpecified, and haill Rights and Securities thereof, both old and new, granted to the ſaid Defunct, or his Predeceſſors Cedents and Authors, or introduced and conceived in their favours, or any ways competent, or that might be competent to them, or to the ſaid Defender, had he entered and not renounced to be Heir to his ſaid deceaſt Father as ſaid is, of and concerning the ſame, together with the Mails and Duties of the ſaids Lands and others foreſaid, Cropt and year of God 16— years, and in time-coming, and all Tacks and other Rights of the Teinds of the ſaids Lands or Annuities of the ſaids Teinds, ought and ſhould be adjudged, decerned and declared by Decreet of the ſaids Lords, to pertain and belong to the ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretably, and they ordained to be Heretably-Infeft therein, in manner and to be holden as is hereafter expreſt, and that in payment and ſatisfaction to him and his foreſaids, of the foreſaid Sums of Money, Principal, Annualrents and Expenſes contained in the ſaid Bond and Decreet cognitionis cauſa, extending at the Term of —— laſt by-paſt to the Sum of —— ſalvo juſto calculo, and of the Annualrent thereof ſince the ſaid Term, and in time coming during the not Redemption, conform to the Act of Parliament made anent Appryſings and Adjudications, and that attour the Compoſitions to the Superiors, and Expenſes of the Infeftments, conform to the Laws and dayly Practique of this Our Realm, uſed and obſerved in the like caſes in all points, as is alledged. Our Will is herefore, and We Charge you, that ye lawfully Summond, Warn and Charge the ſaid C.B. as he who was lawfully charged to enter Heir, and yet renounced to be Heir, to his ſaid deceaſt Father in manner foreſaid, and — Lord High Chancellor of this Realm, —— Lord High Theſaurer, —— Lord Privy Seal, —— Lord Secretary of State, —— Lord Regiſter, —— Lord Theſaurer-Deput, —— Lord Juſtice-Clerk, — Our Advocat, and — Director of Our Chancellary, for Our Intereſt, in the matter under-written; as to ſuch of the ſaids Lands as hold of Us otherways then Burgage, and — Provoſt, and — Baillies of the ſaid Burgh of —, for themſelves, and as repreſenting

ſenting the whole Council and Community, alſo for Our Intereſt, as to ſuch as hold of Us Burgage as ſaid is, and for themſelves, as to what holds of the Burgh not of Us Burgage, and —— Superiors of the remnant Lands and others above-mentioned, Perſonally or at their Dwelling-places, on twenty one days Warning, and the ſaids C.B. *his Tutors and Curators (if he any has) for their Intereſts, and all others having or pretending to have Intereſt in the ſaid Matter, by open Proclamatian at the Mercat-croſs of — and other places needful, to compear,* &c. *to Anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter,* that is to ſay, *the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſame being ſua verified and proven, to hear and ſee the foreſaids Lands, Tenements and others above-ſpecified, holden of the Superiors above-mentioned, and haill Rights and Securities thereof, both old and new, granted to the ſaid deceaſt* A.B. *or his Predeceſſors, Cedents and Authors, or introduced and conceived in their favours, or any ways competent, or that might be competent to them or to the ſaid Defender, had he entered and not renounced to be Heir to his ſaid deceaſt Father as ſaid is, of and concerning the ſame, together with the Mails and Duties of the ſaids Lands and others foreſaids, the ſaid Cropt and year of God* 16 — *years, and in time-coming, and all Tacks and other Rights of the Teinds of the ſaids Lands, and Annuities of the ſaids Teinds, adjudged, decerned and declared by Decreet of the ſaids Lords, to pertain and belong to the ſaid Purſuer and his foreſaids Heretably, and they ordained to be Infeft in the ſaids Lands and others foreſaids, holden of Us and Our Royal Succeſſors (otherways then Burgage,) in manner foreſaid, and that by way of Signature and Compoſition in Our Exchequer, to be expede the Great Seal, in due and competent Form, to be holden of Us and Our foreſaids, ſicklike and als freely in all reſpects as the ſaid Defunct or any of his Authors or Predeceſſors held the ſame, or as the Defender might have holden the ſame had he entered and not renounced to be Heir to him as ſaid is, and als the ſaid Provoſt and Baillies of the ſaid Burgh of —, and their Succeſſors in Place and Office, to hear and ſee themſelves decerned to Infeft and Seaſe the ſaid Purſuer and his foreſaids, in the Tenements of Land and others foreſaid holden Burgage in manner above-ſpecified, to be holden of Us and Our foreſaids, in free Burgage, for Service of Burgh uſed and wont, and in due and competent Form; and ſicklike, to hear and ſee themſelves decerned to Infeft and Seaſe the Purſuer and his foreſaids, in the ſaids Lands and others foreſaids, holden of themſelves and of the Council and Community of the ſaid Burgh, to be holden of them and their Succeſſors in Place and Office, ſicklike and als freely in all reſpect as the ſaid Defenders Father or his foreſaids held the ſame, or as he himſelf might have holden the ſame (had he entered and not renounced to be Heir to him as ſaid is;) and in like manner, the ſaids other Superiors above-named, to hear and ſee themſelves decerned and ordained to Infeft and Seaſe the ſaid Purſuer and his foreſaids, in the Lands and others above-mentioned, holden of them in manner foreſaid, and to grant Charters containing Precept of Seaſin in order thereto, to be holden of them, their Heirs and Succeſſors, ſicklike and als freely in all reſpects as the Defenders Father or his foreſaids held, or as he himſelf might have holden the ſame (had he entered and not renounced to be Heir to him in manner above-expreſt;) and to hear and ſee Letters of Horning ordained to be direct againſt them and the ſaids Magiſtrats for that effect, on an ſimple Charge of twenty one days, and that in payment and ſatisfaction to the ſaid Purſuer and his foreſaids, of the Sums of Money, Principal, Annualrents and Expenſes* reſpective *above-ſpecified, contained in the ſaid Bond and Decreet* cognitionis cauſa, *extending at the ſaid Term of —— laſt by-paſt to the Sum of —— Money foreſaid* ſalvo juſto calculo, *and of the Annualrent thereof ſince the ſaid Term, and in time-coming during the ſaid not Redemption, conform to the Act of Parliament, and that by*

and

and attour the Compoſitions to the Superiors, and Expenſes of the Infeftments conform to the Laws and dayly Practique of this Our Realm, uſed and obſerved in the like Caſes in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done; with Certification to the ſaids Defenders if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and adjudge, decern and declare in manner foreſaid, according to Juſtice, as ye will Anſwer.

Given

Ex Deliberatione Dominorum Concilii.

This Summonds never by Law or Cuſtom had a Bill, till within theſe few years, that the Keeper of the Signet would not paſs them without a Bill, becauſe that Adjudications came in place of Appryſings, and had a Bill, which did not quadrat with this Caſe at all, for that, by Act of Parliament is appointed to have a Bill, this not; and in effect, upon no other account, then for the benefit of an Extract to his Man, if the principal Summonds ſhould be loſt in Proceſs or otherways; but the writing of the Bill is no great matter, being drawn ſhort; and I have ſet down a Form of it here.

MY Lords of Council and Seſſion, Unto your Lordſhips humbly ſheweth, G. D. of ——, That where the deceaſt A. B. of —— being Adebted to me by Bond, dated the —— day of 16— years, in the Sum of —— Scots *Money of Principal, with Annualrents and Expenſes; I thereupon raiſed Summonds, and intented Action at my inſtance before your Lordſhips againſt C. B. now of ——, as lawfully charged to enter Heir to him within Fourty days, conform to the Act of Parliament, and upon the remanent paſſive Titles, and againſt his Tutors and Curators for their Intereſts, touching the Decerning of them by your Lordſhips Decreet, to make Payment to me of the ſaids Sums; and the ſaid Summonds being upon the —— day of —— called in your Lordſhips preſence, and inſiſting againſt him as lawfully charged to enter Heir to his ſaid Father, and produced the ſaid Bond, with my general Charge and Executions thereof; and he and his ſaid Tutors and Curators compearing, and craving a day to Renounce, which was aſſigned to them, and accordingly producing a Renounciation of his being Heir to his ſaid deceaſt Father; upon my calling of the Act made in the ſaid Matter, your Lordſhip by your Decreet given and pronounced therein, till upon the —— day of —— laſt by-paſt, Aſſoilzied the Defender and his ſaid Tutors and Curators from the ſaid Purſuit, and haill deſire and concluſion of the Summonds craved thereby, and yet decerned againſt them* cognitionis cauſa tantum, *to the effect I may have Action of Adjudication and others of the Law competent direct and raiſed at my inſtance* contra hæreditatem jacentem & bona immobilia, *and other Goods and Gear belonging to the Defenders Father, and that might appertain to himſelf, had he entered and not renounced to be Heir to him in manner foreſaid, and that for payment and ſatisfaction to me of the ſaids Sums contained in the ſaid Bond, as the Decreet* cognitionis cauſa *in it ſelf more fully proports: And true it is, that the ſaid* A. B. *(the Defenders Father) the time of his deceaſe, had pertaining Heretably or otherways to him the Lands, Tenements and others after-ſpecified, holden of the Superiors after-mentioned,* viz. (leave Blank for a Sheet of Paper, and then ſay) *which with the haill Right and Security thereof, both old and new, granted to him, his Predeceſſors, Cedents and Authors, and conceived in their favours, or any ways competent to them, or that might be competent to his ſaid Son, had he entered, and not renounced to be Heir to him, as ſaid is, together with the Mails and Duties thereof, Crop and year of God 16— years, and in time-coming during the not redemption, and all Tacks and Rights granted to, or competent to them of the Teinds of the ſaids*

Lands or Annuities of the ſaids Teinds, ought and ſhould be accordingly Adjudged by your Lordſhips Decreet, in favours of me, my Heirs and Aſſigneys Hereitably, and we ordained to be Infeft in the ſaids Lands and others foreſaids, by way of Signature and Compoſition in Exchequer, as to what holds of the King (otherways than Burgage,) and as to what Burgage by the Provoſt and Bailies of the ſaid Burgh of ——, in due Form, and by the other Superiors by Charter containing Precept of Seaſin, and Horning ordained to be direct for that effect, on ane ſimple Charge of twenty one days, to be holden of the reſpective Superiors, as the Defunct or his Predeceſſors and Authors held, or the Defender might have holden the ſame, in payment to us of the ſaids Sums contained in the ſaid Bond and Decreet, extending at the Term of —— laſt by-paſt, to the Sum of ——, with the Annualrent thereof ſince the ſaid Term, and during not Redemption, and that by and attour the Compoſition to the Superiors, and Expenſes of the Infeftment, conform to the Laws and Acts of Parliament of this Kingdom made anent Adjudications and Appryſings in all points. Herefore *I beſeech your Lordſhips, that I may have Summonds of Adjudication in the Premiſſes againſt the ſaid* C. B. *as he who was lawfully charged to enter Heir, and yet renounced to be Heir to his ſaid deceaſt Father in manner foreſaid, and againſt the Miniſters of State, and Director of the Chancellary for His Majeſties Intereſt, and againſt the Provoſt and Baillies of ——, and others Superiors above-named, and the ſaid* C. B. *his Tutors and Curators for their Intereſts, and all others having or pretending to have Intereſt, (*as I pleaſe Libel*) to be called on twenty one days, but any furder Dyet, being acceſſory to the ſaid Decreet* cognitionis cauſa, *follows and depends thereupon, and is a part of the Execution thereof, and ſo merits ſummar Proceſs, conform to the Laws and Act of Parliament, and dayly Practique of this Kingdom uſed and obſerved in the like Caſes, and your Lordſhips Deliverance to be granted thereanent, and your Lordſhips Anſwer.*

SUMMONDS of Adjudication in place of Appryſings, conform to the Act of Parliament; and becauſe it muſt have a Bill, I ſet it firſt down.

Bill of Adjudication.

MY Lords of Council and Seſſion, Unto your Lordſhips humbly ſheweth, G. D. of ——. That where *(here take in the Narrative of the following Summonds, till ye come to the Letter* R, *and then ſay)* likeas the ſaid G. and G. by their Right and Diſpoſition of the date the —— day of —— diſponed the Premiſſes, in favours of me, my Heirs and Aſſigneys, with the Declaration therein ſpecified, as the ſame alſo bears; and ſicklike His Majeſty, *Charles* the ſecond, of ever-glorious Memory, with Conſent of His Highnes Eſtates of Parliament, by the Nineteenth Act of the Third Seſſion of His Majeſties Second Parliament, holden at *Edinburgh* the ſixth day of *September*, One thouſand ſix hundred and ſeventy two years, (intituled, *Act concerning Adjudications* upon the conſiderations therein mentioned,) *Statute and Ordained, that in place of Compryſings, (here take in the Act as curtly deduced in the following Summonds, till ye come to the Letter* W, *and then ſay)* And true it is that the ſaid *R. G.* of *S.* has pertaining to him the Lands and others after-ſpecified, holden by him of the Superiors after-mentioned, *viz. (here leave ane Blank for the Lands to be Inſert accordingly, as they are in his Charter or Seaſin, if either of them can be had; and if they cannot be had, according to an exact Information thereof; and as to the Superiors, they may be had notice of, and then ſay)* And albeit it be of verity, that I as having Right in manner foreſaid, have oft and divers times deſired and required the ſaid R. G. of *S.*

to

to have made Payment to me of the foreſaid Sums, Principal, Annualrents, Penalties, (*to be Liquidat by the ſaids Lords to a fifth part of the principal Sum, in manner under-written*) Prices of the ſaids Bolls, and Expenſes of Plea above-mentioned: Nevertheleſs, he wrongouſly refuſes, poſtpones and defers to do the ſame, neither will he diſpone or make Conveyance to me of als much of the ſaids Lands and Eſtate (at my Election,) as will correſpond to, and ſatisfie and pay me of the ſaids Sums, Principal, Annualrents bygone, reſting, owing, and in time-coming, and of the Prices of the ſaids Bolls and Expenſes of Plea above-mentioned, with a fifth part more in place of the ſaid Penalties, beſides the Superiors Compoſition and Charges of the Infeftment, or yet deliver to me the Principal Writs, at leaſt Judicial Tranſumpts, to the extent of an legal progreſs of Right, nor yet will he purge the real Incumbrances thereon, renounce the Poſſeſſion, and obſerve what elſe preſcribed by the ſaid Act upon the part of the Debitor, without he be compelled; wherefore neceſſar it is, that I have the ſame, with the haill Rights and Securities thereof Legally Adjudged, conform to, and in the terms of the ſaid Act of Parliament, in manner after expreſt. *Herefore* I beſeech your Lordſhips that I may have Summonds of Adjudication in the Premiſſes (as I pleaſe Libel) for ſummonding the ſaid *R. G.* of S. perſonally, or at his Dwelling-place on twenty one days warning, and all others having or pretending to have intereſt in the ſaid matter, *&c.* to compear before your Lordſhips at *Edinburgh*, or where it ſhall happen your Lordſhips to be for the time, the —— day of —— if it be lawful, and failzeing thereof, the next lawful day thereafter following, in the hour of Cauſe, with continuation of days, to anſwer at my inſtance in the ſaid matter; *That is to ſay*, the ſaid Defendet to bring with him, exhibite and produce before your Lordſhips, the ſaid day and place, in the hour of Cauſe, with continuation of days as ſaid is, the haill Writs and Evidents, both old and new, of the ſaids Lands and Eſtate, to be ſeen and conſidered by your Lordſhips, to the effect your Lordſhips may cognoſce, Judge and Determine whether the Right be ſufficient or not, and the progreſs thereof full and compleat, and what Warrandice your Lordſhips ſhall appoint, and in caſe it be found by your Lordſhips, that the Right is good, and the Progreſs compleat, as ſaid is, and that he purge the real Incumbrances on the ſaids Lands and Eſtate, the ſaid Defender to hear and ſee ſuch a part thereof at my Election, as ſhall pay the ſaids Principal Sums, Annualrent thereof, Prices of the ſaid Victual, and Expenſes of Plea above ſpecified, and a fifth Part more (in place of the ſaids Penalties) extending in the haill to the Sum of —— Money foreſaid *ſalvo juſto calculo*, and that attour the Compoſition to the Superiors and Charges of the Infeftment adjudged from the ſaid Defender, *&c.* at the Rate above-mentioned, and Decerned and Declared by your Lordſhips Decreet to pertain and belong to me, my Heirs and Aſſigneys whatſoever Heretable, in ſatisfaction thereof, and that the Rent may be conſtitute, and the Value of the Lands to be adjudged known, and what they payed for five years preceeding, and may be worth the time of the Adjudication, and may pay in manner above-expreſt, and the Rates and Prices at which Lands are uſually ſold in theſe places of the Kingdom where they ly, likeways Determined, to hear and ſee a mutual Probation led and deduced thereanent, and what Warrandice the Defender ſhall be liable in to me and my foreſaids, alſo Determined by your Lordſhips under Reverſion always in manner, within the ſpace, in the Terms, and upon Payment or Conſignation of the Sums of Money above-ſpecified, appointed to be payed by the ſaid Act in manner foreſaid, and with Deduction of what ſatisfied by my Poſſeſſion, by vertue of the ſaid Adjudication, and during the years of the not Redemption in manner therein-expreſt; And far-

ther, the ſaid Defender to hear and ſee himſelf Decerned and Ordained by Decreet foreſaid, to deliver to me the ſaids Writs and Evidents, or judicial Tranſumpts thereof, and to Ratifie the ſaid Adjudication, and Renounce the Poſſeſſion to me in manner, and to the end above-rehearſed, but in caſe the ſaids Writs and Evidents be either abſtracted, or being produced, the ſame be not found ſufficient, and the Progreſs full and compleat as ſaid is, and do not deliver the ſame, or judicial Tranſumpts thereof, as your Lordſhips ſhall judge neceſſary, or in caſe he ſhall not renounce the Poſſeſſion, *&c.* and Ratifie the Decreet of Adjudication to the effect above-mentioned, and purge all Real Incumbrances in manner foreſaid: Then and in that caſe, the ſaids Defenders to hear and ſee the haill Lands and others above-mentioned pertaining to him, adjudged from him, *&c.* and Decerned and Declared to pertain and belong to me and my foreſaids Heretably, for payment and ſatisfaction to us of the haill *Sums* of Money, Principals, Annualrents, Penalties, Prices of the ſaid Victual, and Expenſes of Plea above-ſpecified, contained in, and decerned againſt him by the ſaid Decreet, and to hear and ſee the ſaids Penalties liquidat by your Lordſhips Decreet, to the fifth part of the Principal *Sums* themſelves, *&c.* extending in the haill to the *Sum* of —— Money foreſaid, *ſalvo juſto calculo*, and of the Annualrent of the ſaid accumulat Sum after Adjudication, and during the not Redemption, in the ſame manner as I might have compryſed the ſame, conform to the Act of Parliament 1661, *anent payment of Debt betwixt Debitor and Creditor*, in all Points under Reverſion, and with the Power competent to other Creditors expreſt in the ſaid Act, to be holden, *&c.* after the Form and Tenor of the ſaid Decreet, Receipt therein contained, Right made to me thereof, and Act of Parliament aforeſaid made anent Adjudications in all Points, and that the ſaid *Summonds* contain a ſecond Dyet upon ſix days warning *in communi forma*, and your Lordſhips Anſwer.

This Bill being ſubſcribed by a Writter to the Signet, is given in to the Bill Chamber, written upon by the Clerks or their Depuis, and paſt by the Lord Ordinar in Courſe, and thereafter ſubſcribed by the Clerk of the Bills.

SUMMONDS of Adjudication in place of Appryſing, conform to the Act of Parliament on the ſaid Bill.

CHARLES, &c. To Our *Lovits* —— *Meſſengers*, our Sheriffs in that part, conjunctly and ſeverally, ſpecially Conſtitute, Greeting: *Forſumeikle as*, it is humbly mean't and ſhown to us, by *G. D.* of *S.* That whereupon the —— day of —— 16 —— years, *G. G.* of *O.* eldeſt lawful Son and Apperand Heir to the deceaſt *R. G.* of *O.* his Father as Party, having Right or Factory from the ſaid *G. D.* Purſuer, Donator to the ſingle and liferent Eſcheats of the Goods, Gear, Debts, Sums of Money, Decreets, Sentences, Reverſions, and others whatſoever pertaining and belonging to the ſaid deceaſt *R. G.* of *O.* the time of his deceaſe, which was upon the —— day of —— 16 and —— years, and in whoſe perſon the ſaid Eſcheat was declared, and the ſaid *G. G.* for himſelf, his own Right and Intereſt, in manner ſpecified in the Decreet under-written, and *G. C.* of *C.* Aſſigney, and otherways having Right from the ſaid *G. G.* in manner therein mentioned; *Obtained* a Decreet at their Inſtance before the Sheriff-Principal of the Sheriffdom of —— and his Depute, againſt *R. G.* of *S.* Decerning and Ordaining him to make

Payment

payment to the ſaid *G. C.* of the Sums of *Money* after-ſpecified, *viz.* of the Sum of —— *ſcots* Money for the equivolent like Sum contained in a Bond granted by the ſaid deceaſt *M. D. M.* ſometime *Miniſter* at —— to the ſaid deceaſt *R. G.* of *O.* Author to the ſaid *G. C.* and which was borrowed up by him under Truſt, upon Receipt from the ſaid *G. G.* and ſicklike Decerning and Ordaining the ſaid *R. G.* of *S.* to make payment to the ſaid *G. C.* of the Sum of —— Money foreſaid of Principal, and ordinary Expenſes correſponding thereto, and Annualrent of the ſaid Principal ſum, of all years and terms bygone, Reſting, Owing, unpayed ſince the Term of —— 16 and —— years, and in time-coming during the not payment thereof, for the equivalent like ſums contained in a Bond granted by the deceaſt *R. M.* of *F.* to the ſaid deceaſt *R. G.* of *O.* dated the —— day of —— 16 and —— yeats; And in like manner Decerning and Ordaining the ſaid R. *G.* of *S.* to make payment to the ſaid *G. C.* of the ſum of —— Money foreſaid of Principal, with the neceſſary Expenſes correſponding thereto, and Annualrent of the ſaid Principal ſum of all years and terms bygone, Reſting, Owing, unpayed, and in time-coming during the not payment thereof for the equivalent like ſum, contained in a Bond granted by the ſaid deceaſt R. *M.* to the ſaid deceaſt R. *G.* of *O.* dated the —— day of —— 16 and —— years, and whilk two Bonds were borrowed up by the ſaid R. *G.* of *S.* under Truſt, upon Receipt from the ſaid *G. G.* to uſe Diligence for recovery thereof, which was no ways done; And ſicklike Decerning and Ordaining the ſaid R. *G.* to make payment to the ſaid *G. C.* of the ſum of —— *ſcots* Money, as the liquidat Price of each Boll of the Number and quantity of —— Bolls, good and ſufficient Victual, Cropt 16 and —— years, contained in a Bond granted by *A.* R. of *K.* to the ſaid deceaſt R. *G.* Dated the — day of —— 16 —— years, which was borrowed up by him under Truſt, upon Precept from the ſaid *G.* for recovering payment thereof, in manner ſpecified in the ſaid Decreet, and likeways Decerning and Ordaining the ſaid *R. G.* to make payment to the ſaid *G. C.* of the ſum of —— Money foreſaid of Principal, with the neceſſary and ordinary Expenſes correſponding thereto, and Annualrent of the ſaid Principal ſum, of all years and terms bygone, reſting, Owing, unpayed, and yearly and termly in time-coming during the not payment thereof for the equivalent like ſum, contained in a Bond granted by *W.* R. Tackſman in *O.* to the ſaid deceaſt R. *G.* of *O.* dated the —— day of —— 16 —— years borrowed up by the ſaid R. *G.* of S. from the ſaid *G. G.* under Truſt, and upon Receipt as ſaid is, and to all which the ſaid *G. C.* had Right by Progreſs, in manner ſpecified in the ſaid Decreet; and ſicklike, decerning & ordaining the ſaid *R. G.* of *S.* to make payment to the ſaid *G. C.* of the Sum of —— *Money* foreſaid of Expenſes of Plea, as the ſaid Decreet of the date foreſaid, ordaining Execution to paſs thereupon, in manner therein-mentioned, at more length proports; (*R*) likeas the ſaid *G. C.* and *G. G.* by their Right dated the —— day of —— laſt, diſponed the Premiſſes in the Purſuers favours, with the Declaration therein ſpecified, as the ſame alſo bears; and ſicklike, His Majeſty, *Charles* the ſecond, of ever-glorious Memory, with Conſent of His Highneſs Eſtates of Parliament, by the Nineteenth Act of the Third Seſſion of His Majeſties Second Parliament, holden at *Edinburgh* in the year One thouſand ſix hundred and ſeventy two, Intituled, *Act concerning Adjudications*, and dated the ſixth day of *September* the ſaid year, upon the Conſiderations therein-mentioned, Statute and Ordained, that in place of Compryſings, Our Lords of Seſſion, upon Proceſs raiſed before them at the inſtance of any Creditor againſt his Debitor, Principal or Cautioner, ſhall Adjudge and Decern to the Creditor, in ſatisfaction of his Debt, (as the ſame ſhall be decerned by the ſaids *Lords*,) ſuch a part of the Debitors Eſtate, conſiſting in Lands and other Rights which were in uſe to be appryſed, as

ſhall be worth the *Sum*, Principal, Annualrent, then reſting to the Creditor, and a fifth part more; in reſpect the Creditor wants the uſe of his Money, and is neceſſitat to take Land for the ſame, beſides and attour the Compoſition to the *Superiors*, and the Expenſes of the Infeftment, which Adjudication ſhall be made according to the ſpecial rates of the Lands, and other Rights in the places where the ſame do ly, and for that effect Probation ſhall be taken by the ſaids Lords for the part of the Creditor, and likewiſe for the part of the Debitor (if he ſhall deſire the ſame,) concerning the yearly Rent and Value of the ſaids *Lands* and Rights, and what they have payed for five years by-gone, and what the ſame may pay, and Rates and Prices at which ſuch Lands and Rights are uſually ſold in theſe places of the Kingdom where they ly; with Power to the ſaids Lords, to determine what Warrandice the Debitor ſhall be lyable in to the Creditor of theſe Lands and Rights ſo Adjudged, as they ſhall find juſt; upon which Decreet of Adjudication, it ſhall be lawful to the Creditor, immediatly to enter to the Poſſeſſion of the Lands or other Rights adjudged to him, and to Intromet with the *Mails* and *Duties* thereof, in ſatisfaction of his Annualrents, during the not Redemption, without being lyable to an Reſtriction or Action of Compt and Reckoning; and in caſe there be Lands adjudged, affected with Liferents, or any Caſuality or other Right not yielding Rent during the running of the Legal after-ſpecified, the ſame ſhall be expreſſed in the foreſaid Decreet, together with that part of the Sum effeirand thereto, that in caſe of Redemption, the Creditor may have his Annualrent for that part of the *Sum* for which he had no *Profit* in manner foreſaid; which Lands and other Rights adjudged as ſaid is, ſhall remain Heretably and Irredeemably with the Creditor, in caſe it be not redeemed within the ſpace of five years after the Decreet of Adjudication, by Payment or Conſigning of the *Sums* Principal and Annualrent for which the Adjudication did proceed, the Compoſition payed to the Superior, and Expenſes in obtaining Infeftment, and Annualrents of the ſame, in ſua far as it is not ſatisfied by the Creditors Poſſeſſion in manner foreſaid; and the Creditor being once in peaceable Poſſeſſion of the ſaids Lands or Rights, conform to the Decreet of Adjudication, it ſhall not be lawful for him to uſe any farder Execution againſt his Debitor, (except in the caſe of Eviction upon the Warrandice, to be decerned by the ſaids Lords;) that it ſhall be leaſume to the Creditors to uſe all manner of Execution againſt his *Debitors*, Principal and Cautioners, by Horning, Caption, Arreſtment, or otherways, until he enter to the actual Poſſeſſion of the Lands, to be adjudged in manner foreſaid; and it is thereby Statute and Ordained, that no Compryſing ſhould be led thereafter, in time-coming, of any Lands or other Rights which were not already Compryſed, but prejudice always of any Compryſings led before the date of the ſaid Act, or to be deduced off Lands and other Rights already Appryſed, whereof the Legals were not expired, which are to have courſe conform to the Laws and Acts formerly made thereanent: It is likeways thereby *Provided* and *Declared*, that in caſe the Debitor ſhall abſtract and not produce the Writs and Evidents of the Lands and other Rights to be Adjudged, and ſhall not produce a ſufficient Right thereof, and deliver the ſame, or Tranſumpts thereof to the Creditor, as the Lords ſhall judge neceſſar; and in caſe he ſhall not renounce the Poſſeſſion of the Lands and other Rights to be adjudged, and ratifie the Decreet of Adjudication, to the effect the Creditor may enter thereto ſummarly, without any impediment, ſo that the Creditor may have a clear Right and quiet Poſſeſſion thereto, that then, and in that caſe it ſhall be leiſume to the Creditors to Adjudge *Lands*, or any Right belonging to his Debitor, in the ſame manner as he might have appryſed the ſame, conform to the Act of Parliament, One thouſand ſix hundred and ſixty one years, anent

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the payment of Debts betwixt the Debitor and Creditor in all points, under the Reverſion and with the Power competent to other Creditors expreſſed in the ſaid Act; And it is Declared by the ſaid Act, that neither the Superior nor Adjudger ſhall be thereby prejudged, but that they ſhall be in the ſame caſe after the Citation in the ſaid Proceſs of Adjudication, as if Appryſing were led of the Lands at that time, and a Charge given to the Superior thereupon, as the ſaid Act of Parliament appointing the ſaid Decreet of Adjudication to be allowed by Our ſaids Lords, (as Appryſings then were;) and the ſaid Allowances to be Regiſtrat, in the ſame manner, and with the like Certifications as that of Compryſings, to the effect therein ſpecified in it ſelf more fully is contained: (*W*) And true it is, that the ſaid *R. G.* of *S.* has pertaining Heretably to him, the Lands and others after-ſpecified, holden by him of the Superiors after-mentioned, *viz.* (*here leave an Blank for filling up the Lands and of whom they hold, and then ſay*) And albeit it be of verity, that the ſaid Purſuer as having Right in manner foreſaid, has oft and divers times deſired and required the ſaid *R. G.* of *S.* to have made payment to him of the foreſaids Sums, Principal, Annualrents, Penalties (to be Liquidat by the ſaids Lords to a fifth part of the principal Sum, in manner under-written) Prices of the ſaids Bolls, and Expenſes of Plea above-mentioned: Nevertheleſs, he wrongouſly refuſes, poſtpones and defers to do the ſame, neither will he Diſpone, or make Conveyance to him of als much of the ſaids Lands and Eſtate (at the Purſuers Election) as will correſpond to, and ſatisfie and pay him of the ſaids Sums, Principal, Annualrents by-gone, reſting, owing, and in time-coming, and of the Prices of the ſaids Bolls and Expenſes of Plea above-mentioned, with a fifth part more, in place of the ſaid Penalties, beſides the Superiors Compoſition and Charges of the Infeftment, or yet deliver to him the principal Writs, at leaſt Judicial Tranſumpts, to the extent of an Legal Progreſs of Right, nor yet will he purge the real Incumbrances thereon, renounce the Poſſeſſion, and obſerve what elſe preſcribed by the ſaid Act upon the part of the Debitor, without he be compelled; wherefore neceſſar it is to the ſaid Purſuer, to have the ſame, with the haill Rights and Securities thereof Legally Adjudged, conform to, and in the terms of the ſaid Act of Parliament, in manner after-expreſt, as is alledged. *Our Will is herefore*, and We Charge you, that ye lawfully Summond, Warn and Charge the ſaid *R. G.* of *S.* perſonally, or at his dwelling-place, on twenty one days Warning, and all others having or pretending to have Intereſt in the ſaid Matter, by open Proclamation at the Mercat-croſs of —— and other places needful, to compear before Our ſaids Lords of Council and Seſſion, at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— if it be lawful, and ſailzieing thereof, the next lawful day thereafter following, in the hour of Cauſe, with continuation of days, to anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter; *that is to ſay*, the ſaid Defender, to bring with him, exhibite and produce before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of days as ſaid is, the haill Writs and Evidents, both old and new, of the ſaids Lands and others foreſaids, pertaining to him Heretably or otherways in manner above-expreſt, to be ſeen and conſidered by the ſaids Lords, to the effect they may judge and determine whether the Right be ſufficient, and the Progreſs full and compleat, and what Warrandice they ſhall appoint; and in caſe it be found by them, that the Right is good, and the Progreſs compleat as ſaid is, and that the ſaid Defender purge the real Incumbrances on the ſaids Lands and Eſtate, the ſaid Defender to hear and ſee ſuch a part thereof, at the Purſuers Election, Adjudged and Decerned at the rate above-ſpecified; and after a Legal Probation adduced, in manner foreſaid, to pertain and belong to the

ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretably, as will ſatisfie and pay them of the Sums of Money, Principal, Annualrents thereof due the time of the ſaid Adjudication, Prices of the ſaid Victual, and Expenſes of Plea above-mentioned, and a fifth more in place of the ſaids Penalties, extending in the haill to the Sum of —— Money foreſaid, and that by and attour the Compoſition to the Superiors, and Charges of the Infeftment, and that the Rent may be Conſtitute, and the Value of the Lands to be Adjudged known, and what they payed for five years preceeding, and may be worth the time of the Adjudication, and have payed and may pay in manner above-expreſt, and what the rates and prices at which ſuch Lands are uſually ſold in theſe places of the Kingdom likeways known, and determined by the ſaids Lords, to hear and ſee a mutual Probation led and deduced thereanent, in manner ſpecified in the ſaid Act of Parliament, and under Reverſion, alſo in manner in the terms, and within the ſpace therein-rehearſed; and farder, the ſaid Defender to hear and ſee himſelf decerned and ordained by Decreet foreſaid, to deliver to the ſaid Purſuer the ſaids Writs and Evidents, or Judicial Tranſumpts thereof, and to ratifie the ſaid Adjudication, and renounce the Poſſeſſion to the ſaid Purſuer and his foreſaids, in manner and to the end above-rehearſed; but in caſe the ſaids Writs and Evidents of the ſaids Lands and others to be Adjudged, be abſtracted, and not produced, or that after Production, the Right be not found good and ſufficient, and the Progreſs full and compleat, and do not deliver the ſame, or Judicial Tranſumpts thereof to them, as the ſaids Lords ſhall judge neceſſary; or in caſe he ſhall not renounce the Poſſeſſion, and ratifie the Decreet of Adjudication, to the effect above-mentioned, and purge all real Incumbrances as ſaid is, then and in that caſe, the ſaid Defender to hear and ſee the haill Lands and others above-ſpecified, pertaining to him, Adjudged from him, his Heirs and Succeſſors, and all others having or pretending to have Intereſt, and Decerned and Declared by Decreet foreſaid, to pertain and belong to the ſaid Purſuer, his Heirs and Aſſigneys Heretably, for payment and ſatisfaction to them of the Sums of Money, Principals, Annualrents, Penalties, Prices of the ſaids Bolls, and Expenſes of Plea above-written, contained in the ſaid Decreet, extending in the haill to the Sum of —— Money foreſaid *ſalvo juſto calculo*, together with the Annualrent of the ſaid accumulat Sum after Adjudication, and during the not Redemption after the Form and Tenor of the ſaid Decreet, Precept therein-contained, Right & Diſpoſition made to the ſaid Purſuer thereof, and Act of Parliament aforeſaid, in all Points, and in the ſame manner as he might have compryſed the ſame conform to the Act of Parliament 16 ſixty one years, anent payment of Debts betwixt Debitor and Creditor, alſo in all Points under Reverſion, and with the Power competent to other Creditors expreſt in the ſaid Act, to be holden the ſaids Lands and others foreſaids with the Pertinents lyand as ſaid is, to the ſaid Purſuer and his foreſaids of the Superiors above-mentioned, or of any others, the immediat lawful Superiors of the ſame, and their Succeſſors; Sicklike in the ſame manner, and als freely in all reſpects, as the ſaid Defender, or any of his Predeceſſors and Authors held, holds, or might have holden the ſame at any time before the ſaid Adjudication, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaid Defender, if he failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, according to the Order and Method of the ſaid Act of Parliament, and Adjudge, Decern and Declare accordingly, in manner foreſaid; And in like manner, that ye lawfully Summond, Warn and Charge the ſaid Defender, perſonally apprehended on ſix days warning, to compear before the ſaids Lords, the —— day of —— thereafter, in the hour of Cauſe, with Continuation of days, to hear and ſee all

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neceſſar and lawful Probation led and deduced in the ſaid matter, and to give and depone his Oath of verity thereuntil, in ſua far as ſhall not be proven by Writ or Witneſſes; with Certification to him if he failzie, he ſhall be holden as confeſt, and Decreet given and pronounced againſt him in the ſaid matter, Adjudging, Decerning and Declaring in manner foreſaid, According to Juſtice, *&c. Attour*, that ye lawfully Summond, Warn and Charge *(leave Blank for four Lines)* to compear before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of days, to bear leil and ſuthfaſt-witneſſing in the ſaid matter, in ſo far as they know, or ſhall be ſpeired at them thereintil, under all higheſt pain and Charge that after may follow, as ye will anſwer to us thereupon.

Ex Deliberatione Dominorum Concilii.

Nota, *I wrote this Summonds upon the grounds aforeſaid, becauſe there is a Liquidation in it (and in that extraordinary) whereas there is no difficulty in an ordinary Summonds.*

As for this Summonds, I find ſome Writers differ from it in the Stile and ſhall only juſtifie my own, not ſo much becauſe I judged it conſonant *with the Act of* Parliament *as that before I paſſed the Bill, or expoſed the Summonds to the Signet, being the ſecond, (if not the firſt) I had* Sir George Lockhart's *Approbation to both Bill and Summonds (after he peruſed them) And likeways I thought fit not to call Superiors in it (as in other Adjudications) becauſe this coming in place of Appryſings, as there was no neceſſity to call the Superiors in the firſt, being allowed, and by the Allowance, the Superiors Ordained to Infeft when they were Subjects, and when the King was Superior, Infeftment ordained to paſs by way of Signature, and Compoſition in Exchequer, ſo there was no more neceſſity to Cite or Call Superiors here, being likeways allowed, and the ſame Method for Infeftment appointed as formerly in Appryſings; Yea, ſummar Horning againſt Subjects Superiors, and beſides, to cite Superiors were no ſmall trouble and Expenſe to the Leidges where they are remote and in Iſles (*a Thing all ſhould be tender of, without the Law be poſitive for, and in it) *And farder (ſome Writters having given Warrand to conveen Superiors, and a Decreet of Adjudication extracted conform) thoſe of the Clerks Chambers begun to doubt, ſeing my Summonds wanted the like, whereupon Mr.* Thomas Hay *Clerk and I went to my Lord* Stairs *Preſident, who after he heard the matter, told there was no ſuch thing enjoyned by the Act of* Parliament, *or the leaſt neceſſity for it, upon the grounds above-urged, and differed far from Adjudications on Decreets* cognitionis cauſa, *wherein the Superiors and Miniſters of State, and Director (when any Lands held of the King otherways than Burgage) were ſtill called by the Law and ancient Cuſtom of the Kingdom, and without they were called (I mean ſubject* Superiors*) there being no allowance (whereupon Horning might be had to force them as in the other Caſe) how ſhould they be obliged to enter, but by the favour and good will of the Superior, who might prefer (in point of entry) the laſt to the firſt Adjudger that gave him the greater Compoſition, and ſo the Law preſcribed Remedies againſt both,* viz. *to call the Superior in the one, and to appoint the other to be allowed, and Horning to paſs thereon to compell the Superior, but againſt the King no ſuch Dil gence for being* Communis Pater, *He ever takes a moderat Compoſition, and enters the Appryſer or Adjudger when the Signator is preſented in the Exchequer; After which Judgement and Determination of the* Preſidents, *few or none thereafter ever in their*

Stiles called the Superiors, being a great and unneceſſar Burden and Charge upon the Leidges, which all imployed ſhould obviat and prevent, and as a part of their Duty and fidelity to their Clients and Benefactors.

SUMMONDS of Adjudication on extream Diligence in matters not liquid, but conſiſting in Deeds preſtable, whereof there be various kinds, but this may ſerve for all (mutatis mutandis,) *and demonſtrats what neceſſar to be done before the Summonds be raiſed, as afterwards appears.*

CHARLES, *&c.* To —— Our Sheriffs in that Part, conjunctly and ſeverally, *&c.* that where the deceaſt *A. B.* of —— by his —— Right and Diſpoſition, of the date the —— day of —— 16 —— years (for the onerous Cauſes therein ſpecified) Sold, Annalzied and Diſponed to the ſaid Purſuer, his Heirs and Aſſigneys whatſoever Heretablie, and irredeemably all and haill (*here inſert the Lands as in the Right*) and Band and Obliged him, his Heirs and ſucceſſors, duely and ſufficiently to Infeft and Seaſe the ſaid Purſuer and his foreſaids therein, Heretably and Irredeemably as ſaid is, by double Infeftments *à me & de me*, and by Reſignation, or Confirmation in their Option, and to make, Grant, Subſcribe and Deliver to them ſufficient Diſpoſitions, containing Procuratories of Reſignation, Charters containing Precepts of Seaſin, and other ſecurities requiſit and neceſſar thereanent, with abſolute Warrandice and other Clauſes needful; And for that effect granted Procuratory of Reſignation, with a Precept of Seaſin therein, in manner ſpecified in the ſaid Diſpoſition, which contains abſolute Warrandice againſt all Incumbrances and grounds of Eviction whatſoever by-gane, preſent and to come, with an Aſſignation and Right to the Writs and Evidents of the ſaids Lands, and to all Tacks and Rights of the Teinds thereof, and Annuities of the ſaids Teinds, and for giving judicial Tranſumpts of ſuch Writs as contained other Lands than thoſe diſponed, and making the Principals themſelves furth-coming, wherein Tranſumpts ſhould not be ſufficient, and as to ſuch Writs as contained no other Lands, to deliver the Principals themſelves, all upon Inventar, with divers other Obligements, Articles and Clauſes conceived in favours of the ſaid Purſuer and his foreſaids, as the ſame in it ſelf more fully proports, whereupon the ſaid Purſuer (in reſpect he was not Infeft *Baſe*, or yet Reſignation made before the ſaid *A. B.* his Author deceaſt) raiſed Summonds, and intented Action at his Inſtance, before our Lords of Council and Seſſion, againſt *C. B.* now of —— as eldeſt lawful Son and Heir ſerved and retoured to the ſaid deceaſt *A. B.* at leaſt lawfully charged to enter Heir to him within 40 days, conform to the Act of Parliament, and upon the remanent paſſive Titles, for Implement of the ſaid Diſpoſition, in manner, and in the Terms after-expreſt; And which Summonds and Action being oft and divers times called in preſence of the ſaids Lords, and laſt of all upon the —— day of —— laſt by-paſt, the ſaids Lords by their Decreet, then given and pronunced by them in the ſaid matter (for the Cauſes therein mentioned, Decerned and Ordained the ſaid *C. B.* as lawfully charged to enter Heir to his ſaid deceaſt Father, and upon the remanent Paſſive Titles lybelled, to fullfil and perform to the ſaid Purſuer and his foreſaids, the foreſaid Diſpoſition made to them by the Defenders Father, in the haill Heads, Articles and Clauſes thereof, and for that effect Decerned and Ordained the ſaid *C. B.* Defender, to obtain himſelf duely and lawfully ſerved and retoured Heir in General to his ſaid deceaſt Father, and alſo Served, Retoured and Infeft as Heir in Special to him, in the Lands and others above diſponed, with the Pertinents, and his Seaſin duely regiſtrat, conform

conform to the Act of Parliament, and being ſua ſerved, retoured and infeft (now as then and then as now,) to ſell, annalzie and diſpone to the ſaid Purſuer and his foreſaids, heretably and irredeemably as ſaid is, the ſaids Lands and others above-ſpecified, contained in his Fathers Diſpoſition above-narrated, and to infeft and ſeaſe them therein by double Infeftments, to be holden, and with warrandice in manner therein-expreſt, and that by Reſignation or Confirmation in their option, and to make, grant, ſubſcribe and deliver to them ſufficient Diſpoſitions, containing Procuratories of *Reſignation*, Charters containing Precepts of Seaſin, and other Securities requiſite and neceſſar thereanent, with all Clauſes needful; and deliver to them ſuch of the ſaid Writs and Evidents, as contain no other Lands than what diſponed, with Judicial Tranſumpts of thoſe containing other Lands, and to make the Principals thereof furth-coming to them, in all Caſes and Cauſes wherein Tranſumpts ſhall not be ſufficient, and deliver to them the ſaids Retours, Precepts on the ſpecial Retour, and *Seaſin* following on the ſame regiſtrat, as the ſaid Decreet of the date foreſaid in it ſelf more fully is contained; whereupon the ſaid Purſuer raiſed Letters of Horning, and by vertue thereof, cauſed *J. D.* Meſſenger paſs, upon the —— day of —— laſt by-paſt, and lawfully charged the ſaid *C. B.* to fulfil and perform to him and his foreſaids, the ſaid Diſpoſition granted to them by the ſaid deceaſt *A. B.* his Father, in the haill Heads, Articles and Clauſes thereof, and for that effect to obtain himſelf ſerved and retoured Heir in general, and likeways ſerved, retoured and infeft as Heir in ſpecial to him in the Lands and others above-diſponed, with the *Pertinents*, and his *Seaſin* duly regiſtrat as ſaid is; and being ſua ſerved, retoured and infeft, (now as then and then as now,) to diſpone to the ſaid *Purſuer* and his foreſaids, the ſaids Lands and others above-ſpecified, heretably and irredeemably, and to infeft and ſeaſe them therein, by double Infeftments, to be holden in manner above-mentioned, and by reſignation or confirmation in manner foreſaid, and to make, grant, ſubſcribe and deliver to them ſufficient Diſpoſitions, containing Procuratories of *Reſignation*, Charters containing Precepts of Seaſin, and other Securities requiſite and neceſſar thereanent, with all Clauſes needful; and to deliver to them the Writs, containing no other *Lands* than what diſponed with Judicial Tranſumpts, of ſuch as contain moe Lands, and make the *Principals* thereof furth-coming, wherein Tranſumpts not ſufficient: And in like manner, to deliver to them the ſaids Retours, *Precept* on the ſpecial Retour, and Seaſin following on the ſame Regiſtrat, and that within fifteen days next after the Charge, under the pain of Rebellion, and putting of him to the Horn, with Certification to him, in manner-ſpecified in the ſaids Letters; likeas, for his Contempt and Diſobedience, he was by ——— Meſſenger, upon the —— day of —— laſt, denunced Rebel, and put to the Horn, and Regiſtrat thereat, in the ——— Regiſter, by —— Keeper thereof; and thereafter, the ſaid Purſuer raiſed Letters of general and ſpecial Charge to enter Heir at his inſtance againſt the ſaid *C. B.* upon the foreſaid Decreet, (and relative to the foreſaid Letters of Horning, Charge given by vertue thereof, *Denunciation* and Regiſtration aforeſaid,) and by vertue of the ſaids Letters of general and ſpecial Charge, cauſed *H. M.* Meſſenger, paſs, upon the —— day of ——, and lawfully Command and Charge the ſaid *C. B.* to obtain himſelf, not only duly and lawfully ſerved and retoured Heir in general, but alſo ſerved retoured, infeft and ſeaſed as Heir in ſpecial to his ſaid deceaſt Father, in the Lands and others above-mentioned, and to obtain the undoubted, heretable and irredeemable Right thereof, and of all Tacks and Rights of the Teinds and Annuities of the ſame, eſtabliſhed in his perſon, within fourty days, conform to the Act of *Parliament* *ad hunc effectum*, that he might be in capacity to

fulfil his ſaid deceaſt Father his Diſpoſition aforeſaid, & Decreet following thereupon; and being ſua ſerved, retoured and infeſt, to diveſt and denude himſelf of the ſamine, in favours of the ſaid Purſuer, and his foreſaids, heretably and irredeembly as ſaid is, and to Infeft them therein by double Infeftments *â me & de me*, and grant Diſpoſitions, Charters, and other Rights and Securities there-anent requiſite, with all Clauſes needful, in manner and in the terms above-written, and to fulfil and perform to them the ſaid Diſpoſition, in the haill remanent Heads, Articles and Clauſes thereof, after the form and tenor of the ſamine Decreet following thereupon, Horning raiſed on the ſame, and Executions thereof in all points, and made Certification to him in manner ſpecified in the ſaids Letters of general and ſpecial Charges to enter Heir, the days whereof are now elapſed, as the ſame, with the foreſaid Letters of Horning, and Executions of both, in themſelves more fully is expreſt: And true it is, that notwithſtanding the ſaid Purſuer has uſed extream Diligence againſt the Defender by Decreeet, Horning, Charge, Denunciation, Regiſtration, and general and ſpecial Charges to enter Heir to his ſaid deceaſt Father, and to obtain himſelf Infeft accordingly, in manner *& ad effectum ſupraſcriptum*, and for obtaining a Right from him of the ſaids Lands and others foreſaids, in the terms above-rehearſed; yet the ſaid Defender remains and continues contemptuous, and has given no Obedience, wherethrough the Purſuer lyes out of his Right, and thereby highly Damnified and Injured, and his Intereſt in hazard and jeopardy, without Remeid be provided, in manner under-written; And therefore (and in Supplement of the ſaid Defenders Contempt, and for making up the Purſuer and his foreſaids, their Right to the ſaids Lands and others foreſaids) the foreſaids *Lands* and others above and after-ſpecified, diſponed by the ſaid deceaſt *A. B.* to the Purſuer in manner foreſaid, *viz.* (*here inſert the Lands* —— *as in the Diſpoſition, and then ſay*) together with the haill Writs and Evidents thereof, Tacks and Right of the Teinds of the ſame, and Annuity of the ſaids Teinds made and granted by whatſomever perſon or perſons, of and concerning the ſame to the ſaid *A. B.* or his Predeceſſors, Cedents and Authors, or any ways competent to, or introduced in their favours, or that might be competent to the ſaid *C. B.* had he been Served and Retoured Heir in General, and alſo Served, Retoured and Infeft as Heir in Special to him, in manner above-expreſt, ought and ſhould be Adjudged, by Decreet of our ſaids Lords of Council and Seſſion from the ſaid *C. B.* (as he who was diſcuſſed by Horning, and lawfully Charged to Enter Heir General and Special to his ſaid deceaſt Father as ſaid is, and to obtain himſelf Infeft as Heir in Special, in manner foreſaid, in the Lands and others above-mentioned, in manner, and to the effect above-expreſt) and frae his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter, at the Inſtance, and to and in favours of the ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretable and Irredeemable, with the haill Maills, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids, Teinds thereof, and Annuities of the ſame, of the Cropt and year 16—— years (being the Cropt of the Purſuers Entrie thereto, by vertue of the ſaid Diſpoſition) ſenſyne, and yearly and termly in all time coming, and Decerned, Ordained and Declared to appertain and belong to the ſaid Purſuer and his foreſaids, and to be Set, Raiſed, Uſed and Diſpoſed upon by them as their own proper Lands, Heretage, Writs, Evidents, and Maills and Duties at their pleaſure in all time-coming, and they Ordained to be heretably, Infeft and Seaſed in the ſaids Lands and others foreſaids, in manner under written, conform to the foreſaid Diſpoſition and Right, Decreet following thereupon, legal Diligence aforeſaid, and Laws and dayly Practique of this Kingdom, heretofore inviolably

lably obſerved in the like caſes in all points, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaid *C. B.* as he who was diſcuſſed by legal Diligence as ſaid is, and *H. D.* of —— Superior of the ſaids Lands, and others foreſaids for his Intereſt, perſonally, or at their dwelling-places on 21 days warning, and all others having or pretending to have Intereſt in the ſaid matter, by open Proclamation at the *Mercat* Croſs of ——, and other places needful, to Compear, *&c.* to Anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *that is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified, and proven to be of verity, and the ſame being ſua verefied and proven, the ſaids Defenders to hear and ſee the foreſaid Lands and others above-ſpecified, with the Pertinents, together with the haill Writs and Evidents thereof, Tacks and Rights of the Teinds of the ſame, and Annuities of the ſaids Teinds, made and granted by whatſoever perſon or perſons, of, and concerning the ſame, to the ſaid *A. B.* or his Predeceſſors, Cedents, and Authors, or any ways competent to, or introduced in their favours, or that might be competent to the ſaid *C. B.* had he been *Served* and Retoured Heir in General, and alſo Served, Retoured and Infeft as Heir in *Special* to his ſaid deceaſt Father in manner above-expreſt, Adjudged by Decreet of our ſaids Lords of Council and Seſſion, frae the ſaid *C. B.* (as he who was diſcuſſed by Horning, and lawfully charged to Enter Heir General and Special to his ſaid deceaſt Father as ſaid is, and to obtain himſelf Infeft as Heir foreſaid in ſpecial in the Lands and others above-mentioned, in manner, and to the effect above-expreſt) and from his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter, at the Inſtance, and to and in favours of the ſaid *Purſuer*, his Heirs and Aſſigneys whatſoever, Heretably and Irredeemably, and the ſame with the haill Mails, Farms, Kains, Cuſtoms, Caſualities, *Profits* and Duties of the ſaids Lands and others foreſaids, Teinds thereof, and Annuities of the ſame, of the ſaid Cropt and year 16 —— years, (being the Cropt of the Purſuers Entry by vertue of the ſaid Diſpoſition) ſenſyne, and yearly and termly in all time-coming, Decerned, Ordained and *Declared*, to appertain and belong to the ſaid *Purſuer* and his foreſaids, and to be uſed and diſpoſed upon by them as their own proper Lands and Heretages, Writs and Evidents, Mails and *Duties* at their pleaſure in all time-coming, and the ſame being ſo Adjudged, *Decerned* and *Declared* in manner foreſaid, the ſaid *H. D.* as *Superior* foreſaid, to hear and ſee himſelf *Decerned* by *Decreet* foreſaid, to Enter and Receive the ſaid Purſuer and his foreſaids in Vaſſals and Heretable Tennents to him in the ſaids Lands and others above-mentioned, with the *Pertinents*, and to Infeft and Seaſe them Heretably, and Irredeemably therein, and to make grant, ſubſcribe and deliver to them a ſufficient Charter, containing Precept of Seaſing, and all other Clauſes needful for that effect, in due and competent form, to be holden of the ſaid *H. D.* his Heirs and *Succeſſors* as Superiors thereof, ſicklike in the ſame manner, and als freely in all reſpects as the ſaid deceaſt *A. B.* or any of his *Predeceſſors* and Authors held the ſame, or as the ſaid *C. B.* might have holden the ſame (had he been ſerved, retoured and Infeft as Heir in ſpecial to him in manner foreſaid) and Letters of Horning Ordained to be direct againſt him thereanent, on a ſimple Charge of 21 days, conform to the foreſaid Right and Diſpoſition, *Decreet* following thereupon, legal Diligence aforeſaid, and *Laws* and dayly *Practique* of this Kingdom heretofore inviolably obſerved in the like caſes in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done; With Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Adjudge, *Decern* and *Declare* in manner foreſaid, according to Juſtice as ye will anſwer.

This Summonds needs no second Dyet, because all is proven by Writ; but it is like the Signet will require a Bill, which if they do, may be compendiously Written thus,

MY Lords of Council and Session, Unto your Lordships humbly sheweth, —— That where *A. B.* of —— having by Disposition of the date the —— day of —— years, Disponed to me, my Heirs and Assigneys whatsomever, Heretably and Irredeemably, the Lands of ——, and obliged him, his Heirs and Successors, to infeft and sease me and my foresaids therein, by double Infeftments, to be holden, and with absolute Warrandice, in manner therein specified; and by Resignation or Confirmation, in our Option, and to grant all Rights requisite thereanent, and which Disposition contains Procuratory of Resignation, Precept of Seasin, Assignation to the Writs and Evidents, and Tacks and Rights of Teinds and Annuities thereof, and to the Mails and Duties, Crept 16 — years, and thereafter in time-coming, with an Obligement for delivery of such Writs as contained no other Lands, and Transumpts of such as contained others, and to make the Principal forthcoming wherein Transumpts not sufficient; and my said Author deceasing before I was basely Infeft, or made Resignation, I pursued *C. B.* now of — as eldest lawful Son and Heir, served and retoured to him, and upon the remanent Passive Titles before your Lordships, for Implement of the said Disposition, and upon the — day of —— obtained Decreet decerning him to do the same; and thereupon raised Horning, by vertue whereof he was charged, denunced and registrat at the Horn for his disobedience, and thereafter I raised new Letters relative to all, and caused charge him to obtain himself served and retoured Heir in general, and als served, retoured and infeft as Heir in special to his said deceast Father, and thereby discust him by the extream Diligence aforesaid; in respect whereof, the saids Lands and others foresaids, with the Evidents thereof, Tacks and Right of the Teinds of the same, and Annuities of the saids Teinds and Duties of the saids Lands, with the saids Teinds and Annuities, Crept 16 — (being the Cropt and year of my entry by the said Disposition,) sensyne and in time-coming, ought and should be Adjudged from him, as he who was discust as said is, and frae his Heirs and Successors, and all others having or pretending to have Interest, in favours of me and my foresaids Heretably and Irredeemably, and decerned, ordained and declared by your Decreet to pertain and belong to us, as our own proper Heretage, Writs, Evidents, Teinds, Annuities, Mails and Duties at our pleasure in time coming, and ordained to be Infeft therein by ——— Superior thereof, to be holden as the said deceast *A. B.* —— held the same, or his said Son might have holden the same, had he entered as said is, and Letters of Horning to be direct for that effect, on an simple Charge of twenty one days, conform to the said Disposition, Decreet, Diligence, Laws and Practique of this Kingdom, *&c.* in all Points. *Herefore* I beseech your Lordships, that I may have Summonds of Adjudication in the Premisses against the said *C. B.* as he who was discussed by Legal Diligence in manner foresaid, and the said ——— Superior for his Interest, and all others, *&c.* by open Proclamation, *&c.* as I please Libel, to be called on an single Dyet of twenty one days, all being proven by Writ, conform to your Lordships dayly Practique and Order used and observed in the like Cases, and Deliverance to be granted thereanent, in all Points; And your Lordships Answer.

Nota, *If the King be Superior, the Ministers of State and Director must be called, and the Pursuer ordained to be Infeft by way of Signature and Composition in Exchequer.*

Nota,

Nota, *As the Title and ſtrain of the former Summonds upon extream Diligence, in Matters not liquid, gives ſome account of what requiſite to be done, ſo I thought fit to put you in mind, That* 1. *Sometimes when Parents marry their Daughters, and have the Gentleman who is the Huſband, or his Father bound to Infeft them in Lands in Liferent, or in an yearly Annuity out of the Lands during Life, they neglect to take Infeftment, beſides to obtain the ſame confirmed by the Superior, ſo that if the Husband or his Father who died laſt Infeft deceaſe, the Gentlewoman muſt charge the Apparant Heir to enter, and the Days being elapſed, thereafter raiſe Summonds upon the Paſſive Titles; and if he renunce, the former courſe in that caſe muſt be taken,* viz. *to extract an Decreet* cognitionis cauſa, *and thereupon to intent Adjudication, and obtaining Decreet, may be Infeft by the Superior; but if the Apparant Heir do not renunce, but ſuffer Decreet to paſs againſt him as lawfully charged to enter Heir, then he muſt firſt be charged with Horning, Denunced and Regiſtrat, and then a ſpecial Charge raiſed relative to, and founded upon the Decreet, Horning, Charge, Denunciation and Regiſtration, and that in Contempt, and to her Prejudice he lyes furth and will not enter Heir in Special to his* Predeceſſor, *bound in the Contract, in the Lands and others Liferented, or out of which the Annuity is yearly upliftable,* (*which muſt be particularized,*) *and obtain himſelf Infeft accordingly therein, to the effect he may be in a capacity to fulfil the ſaid Contract, and Infeft her therein; And to conclude as in the former Stile, upon extream Diligence* mutatis mutandis. 2. *The like Caſe may fall out, when there is a Minut paſt betwixt two Parties, anent the Emption and Vendition of Lands, wherein probably the Seller may be Apparant Heir, but not Infeft as Heir to his Predeceſſor, who was* ultimo veſtitus; *and it is like his Circumſtances may be ſuch, as after he is charged to enter, and Decreet obtained for that effect, he will not, nor dare enter, becauſe of Incumbrances; in which Caſe, the former Diligence and Courſe muſt be taken; and many moe of this kind may occur, tedious to come over.*

SUMMONDS of Declarator of Moſſes.

CHARLES, —— *That where the ſaid Purſuer ſtands heretably Infeft and Seaſed in all and ſundry the Lands of —— Moſſes, Muirs, Parts, Pendicles and* Pertinents *thereof, lying within the Sheriffdom of —— as the Inſtrument of Seaſin granted to him thereupon duely regiſtrat, conform to the Act of Parliament, in it ſelf more fully proports, by vertue whereof the ſaid Purſuer, and als his Predeceſſors and Authors conform to their Rights and Infeftments, have been in the peaceable Poſſeſſion of the Moſſes of —— as the proper, peculiar, and incontrovertable Moſſes of the ſaids Lands, paſt all Memory of Man, not only by Caſting, Winning, Leading, and away-taking Peats and Fuell furth thereof by themſelves, and their Tennents for the uſe of the ſaids Lands and others foreſaids yearly, but alſo by ſecluding and debarring all other perſons therefrae, and from having Acceſs to, or Share therein, and yet notwithſtanding thereof* A. B. *of* —— C. D. *of* —— W. H. *of* —— M. Y. *of* —— *next adjacent Heretors to the ſaids Purſuers Lands and Moſſes aforeſaid, and* —— *their Tennents, Servants, Cotters, and Dependers without any Title, Right or Intereſt, in the year* 16——*years came to the ſaids Moſſes, and in the Purſuers abſence, did caſt their Peits and other Feuel therein, and carried the ſame away afterwards to their reſpective Habitations and Poſſeſſions, and damnified the Purſuers in the ſum of —— and in-*

tend as would appear to do the like in time-coming, thinking thereby (and in proceſs of time) to appropriat the ſaids Moſſes to themſelves, if not in property, yet at leſt in Commonty to their own Lands and their Succeſſors, Heretors, Tennents, and Poſſeſſors thereof, to the Purſuers great Hurt and Prejudice without Remeid be provided thereto: And therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion (6) that the ſaids Moſſes of —— are the proper, peculiar and incontroverted Moſſes of the ſaid Purſuer his Lands aforeſaid, and that he and his Predeceſſors and Authors Heretors thereof, and their Tennents have been in the continued and immemorial Poſſeſſion of the ſame as ſuch, not only by Caſting, Winning, Leading, and away-taking Peits and other Fuel therein and furth thereof by themſelves and their Tennents for the uſe of the ſaids Lands and others foreſaids yearly as ſaid is, but alſo by ſecluding and debarring all other perſons therefrae, and from having Acceſs to, or Share therein, in manner above-expreſt, and that any pretended Poſſeſſion apprehended by the Defender laſt year was clandeſtin and ſurreptitious, and without any Right or Order of Law, and in Abſence and without Knowledge or Conſent of the Purſuer, the ſole and indoubted Heretor of the ſaids Moſſes, wherethrough they have damnified and prejudged the ſaid Purſuer in the ſaid Sum of —— and the ſame being ſua found and declared, the ſaids Defenders ought and ſhould be decerned, not only to make payment to the ſaid Purſuer of the foreſaid ſum of —— (wherein he is by them damnified and prejudged as ſaid is) but alſo they and their Heirs and Succeſſors and Tennents and Poſſeſſors of the ſaid adjacent Lands, ought and ſhould be decrned and ordained to deſiſt and ceaſe from all coming to the ſaids Moſſes, or caſting, winning, leading and away-taking of Peits, or any other Fuel therein, or furth thereof, and from all farder troubling, moleſting and diſquieting the ſaid Purſuer, his Heirs and Succeſſors, and their Tennents and Inhabitants of the ſaid Lands and others foreſaids, in the peaceable Poſſeſſion of the ſaids Moſſes thereof any manner of way in time-coming, conform to the ſaid Purſuer and his ſaids Predeceſſors and Authors their Heretable Rights and Infeftments of the ſame, and continued, and immemorial Poſſeſſion by vertue thereof, Laws and dayly Practique of this our Realm, heretofore inviolably uſed and obſerved in the like Caſes in all points, as is alledged. Our Will is herefore, *and We Charge you, that ye peremptorly Summond, Warn and Charge the ſaids —— —— Defenders, Heretors of the ſaids adjacent Lands, and the ſaids —— —— their Tennents, perſonally, or at their dwelling-places, on twenty one days Warning, and all others,* &c. *by open Proclamation,* &c. *to compear,* &c. *to anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter,* that is to ſay, *the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity; and the ſame being ſua verified and proven, the ſaids Defenders to hear and ſee it found and declared by Decreet foreſaid. That* (to conclude *ut ſupra*) *from this 6 Figure, till ye come to as is alleged; only for the Words, ought and ſhould above,* ſay, *in the Will, to hear and ſee,* and then ſay, *or elſe to alledge* (as in the other Summonds,) *with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and find, decern and declare in manner foreſaid, and then conclude a ſecond Dyet, according to Juſtice, as ye will Anſwer,* &c.

No Bill.

SUMMONDS

SUMMONDS of Diviſion of Moſſes where ſeveral Heretors have Right as to particular Lands, and ſome of them not only bring in other Lands upon the Moſſes, but allow their Men to Caſt and Sell Peits to Burghs and Villages adjacent, and thereby exhauſt the Moſſes, to the Prejudice of the other Heretors.

CHARLES, &c. that where the ſaid Purſuer as Heretor of the Lands of —— and *A. B.* of —— as Heretor of the Lands of —— *C. D.* of —— as Heretor of the Lands of —— *H. D.* of —— as Heretor of the Lands of ——, having equal Right of Property in the Moſſes of —— and that accordingly they and their Predeceſſors and Authors by vertue of their reſpective Rights and Infeftments, were and are in the peaceable, incontrovertable and immemorial Poſſeſſion thereof by themſelves and their Tennents and Poſſeſſors of the ſame, for the uſe and behove of their reſpective Lands and Intereſts allanerly, and that they were never in uſe to make any other uſe of the ſaids Moſſes, but for the uſe and ends aforeſaid, yet true it is, and of verity, that the ſaids *A. B. C. D.* and *H. D.* and —— their Tennents, Cotters, and Mailers and Servants have thir —— years bygane, not only Caſt, Win, Led, and away-taken Peits and other Fuel out of the ſaids Moſſes, for the uſe of the ſaids Lands that have really Right and Intereſt therein, but alſo under that Pretence give Liberty to other Lands of —— belonging to them, and who have no right thereto to caſt therein; And likeways do Caſt, Lead, win, and away-take great Quantities and Numbers of Loads of Peits and other Fuel furth thereof, upwards of two thouſand Loads, and Gift, Sell and diſpoſe thereupon, to the Burrows, Towns, Villages and Neighbours adjacent, yea tranſport conſiderable Quantities in Boats over Ferries and Rivers adjacent, at ſuch Rates and Prices as they can agree upon, thereby in Proceſs of time, to conſume and exhauſt the ſaids Moſſes, ſo as not only themſelves (who are the occaſion thereof) but alſo the Purſuer his Heirs and Succeſſors, and their Tennents and Poſſeſſors of the ſaids Lands and Eſtate belonging to him (and who make no other uſe of the ſaids Moſſes, but for the Lands belonging to the Purſuer, who had and have entire real and proper Intereſt therein) will want Moſſes and Fire which will turn their Lands Lee, and their Eſtates waſte and unprofitable: And albeit it be of verity, that the ſaid Purſuer has made ſeveral Interruptions under Form of Inſtrument and otherwiſe, to the ſaids illegal Incroachments, and Innovations, ſo much tending to the Purſuers Damage and Prejudice, and ruine of his Eſtate, and that he has oft and divers times deſired and required the ſaids Defenders, either to deſiſt and ceaſe from the like in time-coming, or elſe to divide the ſaids Moſſes equally and proportionally effeirand, and correſpondent to their reſpective Eſtates, and real Intereſts, having juſt Right thereto, and to ſet down *March-Stones* accordingly, for eviting all future Debates and Controverſies that may ariſe thereanent, nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled; And therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that the ſaid Purſuer as well as the ſaids Defenders (6) have equal Right and Intereſt to the ſaids Moſſes, effeirand and correſpondent to the ſaid particular Lands above-ſpecified, by vertue of their own and Predeceſſors and Authors their Rights and Infeftments of the ſame, and for no other end or uſe, and that accordingly they by themſelves and their Tennents, and Poſſeſſors of the ſaids Lands, have been in the peaceable, continual, and incontrovertable Poſſeſſion thereof, and that the ſaid Defenders, their other Lands of —— aforeſaid, and Tennents and Poſſeſſors thereof, have no Right, Share or Priviledge therein, and far leſs to caſt Peits or other Fuel or Fire in the ſame, for Sale or Profite, and to the deſtruction of the ſaids Moſſes

in manner foreſaid, and the ſame being ſua found and declared, the ſaids Defenders, as Heretors of the ſaids Lands of —— and their Succeſſors therein, and their Tennents and Poſſeſſors of the ſame ought and ſhould be decerned and ordained by *Decreet* of our Lords of Council and *Seſſion*, either to deſiſt, and ceaſe from all coming to the ſaids *Moſſes*, or caſting, winning, leading, and away-taking of Peats, or other Fuel in or furth thereof in time-coming, for the uſe of theſe other Lands, as alſo even the ſaids Defenders as Heretors, Tennents and Poſſeſſors of the ſaids Lands of —— (who, and the *Purſuer* have only Right thereto as ſaid is) ought and ſhould be decerned and ordained to deſiſt and ceaſe from Caſting, Winning, Leading, and away-taking of any Peits or other Fuel therein, to ſell or diſpoſe upon to the Neighbouring Burrows, Towns and Villages, or any other perſon or perſons whatſoever in Gift, for *Money*, or otherways, but meerly and allannerly for the uſe of the ſaids Lands who have Right thereto, or otherways the ſaids Moſſes ought and ſhould be Ordained by the ſaids Lords, to be divided equally and proportionally betwixt the ſaid Purſuer and Defenders effeirand and correſpondent to their reſpective Eſtates and real Intereſts, having juſt Right thereto, and a mutual Probation and Commiſſion granted for that effect, conform to the Laws and dayly Practique of this our Realm, uſed and obſerved in the like caſes, in all points as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn and Charge the ſaid —— Heretors of the ſaids Lands of —— and the ſaid —— their Tennents, perſonally, or at their Dwelling-places, on 21 days warning, and all others, *&c.* by open Proclamation, *&c.* to Compear, *&c.* to anſwer at the inſtance of the ſaid Purſuer in the ſaid matter: *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the ſaid Purſuer, as well as the ſaids Defenders. *To conclude* ut ſupra *from this (6) Figure, till ye come to* as is alledged, *only for ought and ſhould, ſay*, to hear and ſee, and then, or elſe, *&c*, With Certification, *&c*, and a ſecond Dyet as in the former Summonds.

SUMMONDS of Declarator at the Inſtance of an Appryſer or Adjudger, againſt a Superior, (being a *Subject*, to amitt and tyne the Superiority and Caſualities during Life, after he was Charged, Denunced and Regiſtrat, and likeways Charged to enter Heir in Special in the *Superiority*.

CHARLES, &c. mean't and ſhown to us by A. B. *of —— that where by Decreet and Proceſs of Appryſing led and deduced within the new Seſſion-Houſe of* Edinburgh, *(6) before* J.H. *Meſſenger, Judge and Sheriff in that part, and his Colleagues, upon the —— day of —— —years, the ſaid Purſuer obtained, lawfully Appryſed to him, his Heirs and Aſſigneys whatſoever, heretablie frae* C.D. *of —— his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the ſaid matter, all and haill* (here inſert the Lands as in the Appryſing) *lying within the Parochin of —— and Sheriffdom of —— for payment to the Purſuer and his foreſaids, of the Sums of Money Principal, Annualrents and Expenſes contained in the ſaid Appryſing, extending at the Term of ——to the Sum of ——* ſcots *Money, and of the Sheriff-Fee effeirand thereto, extending to the Sum of —— Money foreſaid*, ſalvo juſto calculo, *and which Appryſing was allowed by the Lords of Council and Seſſion upon the —— day of —— thereafter (8) and whereupon the Purſuer raiſed Letters of Horning againſt* W. H. *of —— Superior of the ſaids Lands, and by vertue thereof (after he produced to him a Charter to be ſubſcribed, with a years Rent of the Lands appryſed under form of Inſtrument in —— Nottar publick his hands, and by the ſaid Superior refuſed) cauſed ——* J. H. *Meſſenger, upon the —— day of ——*

alſo

alſo thereafter — in our Name and Authority, lawfully Charge him perſonally apprehended, and delivered to him a juſt and authentick Copy of the ſaids Letters, to infeft and ſeaſe the ſaid Purſuer and his foreſaids heretably (under Reverſion, conform to the Act of Parliament) in the Lands and others above-appryſed, with the Pertinents, within 21 days next after the Charge, under the pain of Rebellion, and putting of him to our Horn, and for his Diſobedience was denunced thereto, upon the — day of — thereafter, & Regiſtrat thereat the — day of the ſame month, likeas the Purſuer thereafter, (and after ſearch of the publick Regiſters) finding albeit he was Heir apparant, yet was not actually ſerved, retoured and infeft as Heir in ſpecial to the deceaſt J. H. of —— his Father in the Superiority of the ſaids Lands, ſo that any Entry the Purſuer as Appryſer might obtain from him (ſhould he deceaſe before his Entry, and being Infeft as Heir foreſaid) would prove ineffectual; and conſidering the Debt for which he Appryſed was conſiderable (almoſt adequating the value of the Eſtate Appryſed,) he thereupon meaned himſelf to the Lords of our Council and Seſſion, and by their Deliverance obtained Letters of ſpecial Charge to enter Heir at his inſtance, againſt the ſaid W. H. *(founded upon the ſaid Appryſing, Allowance thereof, and Diligence above-ſpecified uſed thereon) and by vertue thereof, cauſed the ſaid* J. H. *Meſſenger paſs upon the — day of — laſt by-paſt, and lawfully charged the ſaid* W. H. *perſonally apprehended, (and delivered to him an juſt and authentick Copy thereof) to obtain himſelf duly and lawfully ſerved, retoured, infeft and ſeaſed as Heir in ſpecial to his ſaid deceaſt Father, in the Superiority of all and ſundry the Lands and others above-appryſed, with the Pertinents lying as ſaid is, within fourty days, conform to the Act of Parliament, to the effect he might be in capacity to enter and receive the Purſuer and his foreſaids, in Vaſſals, and Heretable Tennents to him therein, and grant to them a legal and valid Charter thereupon, in due and competent Form, to be holden of him, his Heirs and Succeſſors, the ſame way and manner, and for payment of the Duties or other Services contained in the ſaid* C. D. *and his Predeceſſors and Authors, their Rights and Infeftments of the ſame at any time before the ſaid Appryſing, and with Certification to him, if he failzied, he ſhould amit and tine the Right of Superiority thereof, and Caſualities of the ſame during his lifetime, and it ſhould be lawful to the Purſuer and his foreſaids, to take an Entry from his Superior in the ſame way and manner as he might have taken of him if he were entered and infeft as Heir foreſaid, and that conform to the Laws of this Kingdom, and Practique thereof, uſed and obſerved in the like Caſes in all points; and that notwithſtanding, he wilfully lay furth, and would not obtain himſelf entered and infeft as Heir foreſaid to his ſaid deceaſt Father, in manner above-expreſt, as the ſaid Decreet of Appryſing, duely allowed, as ſaid is, together with the ſaid Charter offered, Inſtrument taken thereupon, regiſtrat Horning, and ſpecial Charge, with the Executions thereof, in themſelves more fully proport; and true it is, that the ſaid ſpace of fourty days is by-gone and expired, and yet no obedience given thereto, or to the former Diligence uſed againſt the ſaid* W. H. *notwithſtanding of the offer made, and which was all that was preſtable, or poſſible for the Purſuer in Law to do, wherethrough his high and manifeſt Contempt of our Authority, and the great Damage and Prejudice the Purſuer and his foreſaids are like to ſuſtain and incur by lying out of his Right, and an Entry is moſt clear and apparant, and therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that the ſaid* W. H. (6) *has been moſt contemptuous (after the ſaids ſeveral Charges given to him to the effect foreſaid) to ly out, and not obtain himſelf Entered and Infeft as Heir foreſaid to his ſaid deceaſt Father, in the Lands and others above-mentioned, pertaining and belonging to him in Superiority in manner foreſaid, and thereby damnified and prejudged the Purſuer and his foreſaids in the Courſe of their Diligence and Right, and as to the compleating thereof, by a legal and lawful Entry, in the*

property of the Lands and others above appryſed, with the Pertinents, for the Security of his juſt and lawful Debt, and that therethrough the Defender has amitted and tint the Right of Superiority of the ſaids Lands and others foreſaids, holden of his ſaid Father as ſaid is (and wherein he might have obtained himſelf Entered and Infeft as Heir in Special to him, in manner above-rehearſed) together with the haill Beneſite and Caſualities of the ſaid Superiority during all the days of his Lifetime, and that it ſhall be lawful to him and his foreſaids, to obtain themſelves infeft therein, by the ſaid W. H. Defender, and his ſaid deceaſt Father, their immediat lawful Superiors, in manner after-expreſt; And the ſame being ſua found and declared, the ſaid Purſuer and his foreſaids ought and ſhould be decerned by the ſaids Lords their Decreet, to be infeft and ſeaſed in the ſaids Lands of —— with the Pertinents, lying as ſaid is by us and our Royal Succeſſors, as Superiors to the Defender and his ſaid deceaſt Father therein, and that by way of Signator and Compoſition in our Exchequer, and by H. D. of —— immediat lawful Superior to the ſaid Defender in the ſaids Lands of —— with the Pertinents lying in manner foreſaid, and Letters of Horning ordained to be direct againſt him, and his Heirs and Succeſſors for that effect, upon a ſimple Charge of 21 days in manner under-written, to be holden the ſaids Lands and others foreſaids (7) in manner after-expreſt, and the ſaids reſpective Entries in the reſpective Lands declared to be als valid and ſufficient, and of as great force, ſtrength and effect, to all intents and purpoſes, to the ſaid Purſuer and his foreſaids in time-coming, as if the ſaid Defender had been Entered and Infeft as Heir foreſaid in the ſaids Superiority, and thereafter granted an Entrie himſelf to the Purſuer and his foreſaids, conform to the Laws and dayly Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all Points as is alledged. Our Will is herefore, and we Charge you, that ye peremptorly Summond, Warn and charge the ſaid W. H. appear and Heir aforeſaid, (and as he who was diſcuſt by Horning, and likeways charged to enter Heir in ſpecial to his ſaid deceaſt Father, in the ſaid Superiority, in manner and within the ſpace above-expreſt, now expired and elapſed as ſaid is) and als — our Miniſters of State for our Intereſt, as to the ſaids Lands and others foreſaids, holden by the Defender at leaſt his ſaid deceaſt Father of us as ſaid is, and in like manner the ſaid H. D. of —— Superior of the other Lands, and others above-appryſed, lying in manner foreſaid for his Intereſt, perſonally, &c. on 21 days warning, and all others having, &c. by open Proclamation, &c. to Compear, &c. to anſwer at the inſtance of the ſaid Purſuer in the ſaid matter, that is to ſay, the ſaids Defenders to hear and ſee it found and declared by Decreet foreſaid, that the ſaid W. H. Defender (take in the Subſumption from the Figure (6) till ye come to the Figure (7) only in the Concluſion, for ought and ſhould, (to hear and ſee) and then ſay, Of us and our Royal Succeſſors, and the ſaid H. D. of —— his Heirs and Succeſſors, as the reſpective Superiors to the ſaid Defender, (at leaſt to his ſaid deceaſt Father therein) and that during all the days of the ſaid Defender his Lifetime; Sicklike and als freely in all reſpects, as the perſon againſt whom the ſaid Appryſing was led held the ſame of the ſaid deceaſt J. H. or as the ſaid Purſuer might have holden the ſame of the ſaid W. H. had he been entered, and infeft as Heir in Special to his ſaid deceaſt Father, in manner above-expreſt, and the ſaids reſpective Entries in the ſaids reſpective Lands, declared to be als valid and ſufficient, and of as great force, ſtrength and effect, to all intents and purpoſes, to the ſaid Purſuer and his foreſaids in time-coming, as if the ſaid Defender had been entered and infeft as Heir in Special to his ſaid deceaſt Father in the ſaid Superiority, and thereafter granted an Entry himſelf to the ſaid Purſuer and his foreſaids, conform to the Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like Caſes, in all Points, or elſe to alledge a reaſonable Cauſe, &c. with Certification the ſaids Lords will find, decern

decern and declare in manner foreſaid: According to Juſtice as ye will anſwer, &c.

Needs no Bill.

SUMMONDS at the Inſtance of a Perſon againſt whom an other Perſon Commenced an Action, for vaſt Sums of Money, and thereupon Inhibit and Arreſted all his Money and Goods, and yet will not inſiſt but protracts Proceſs to the great prejudice of his Credit and Fortune; And therefore craving he may inſiſt and conclude his Action within year and day, &c. *or never be heard.*

CHARLES, *&c.* meant and ſhown to us by *A. B.* of —— that where *W. M.* Merchant Burgeſs of —— has raiſed Summonds, and intented Action at his Inſtance, before our Lords of Council and Seſſion, againſt the ſaid Purſuer, not only for the Sum of ——*ſcots* Money, reſting by him to the ſaid *W. M.* by Ticket, and whereof he offered payment under form of Inſtrument, but alſo for above 20000 Merks Money foreſaid, alledged otherways reſting by the Purſuer to him, (upon moſt fallacious and patched-up Grounds therein libelled) and even before executing of the ſaids Summonds, (ſo as the Purſuer might have ſome Knowledge thereof, and indeavour to convince him of his Error and Malice in ſo unwarrantable and groundleſs a Purſuit, and by Mediation of Friends bring matters to a friendly Adjuſtment and Accomodation without Law or Hearing) The ſaid *W. M.* moſt maliciouſly and unjuſtly upon his ſaid Summonds, raiſed Letters of Inhibition and Arreſtment againſt the Purſuer, and by vertue thereof has cauſed a Meſſenger not only Inhibit him at his dwelling houſe, and at the Mercat-Croſs upon a publick Mercat-day, twixt 11 and 12 of the Clock in the forenoon, when the greateſt Confluence of People behoved to be preſent) but alſo has arreſted all his Mails and Duties, Debts, Sums of Money, and what elſe moveable, pertaining and belonging to him, thereby (if poſſible) to irritat and ſtir-up ſuch lawful Creditors as he is really adebted to, and oblige them to real and perſonal Diligence againſt his Eſtate and Perſon, and to ruine his Credit, and in that his Wife, Children and Family, and to ſcrew up his Malice and Deſign to a higher pitch, (and that the Purſuer may ly under the Character of being in a bad and deſperat Condition) will not inſiſt in his Proceſs, but on the contrair, when the Purſuer puts up a Proteſtation for not inſiſting, he produces the ſame called, and thereupon obtains the Proteſtation ſcored in the ordinary Courſe, and thereby obliged the Purſuer to attend perſonally in *Edinburgh* thir —— Months, to his great Trouble and Expenſe, beſides his Abſence from his Family and Affairs, and however when Debts are juſt, ſuch Diligence be allowed, yet in Law (where Purſuits are malicious and groundleſs, and Diligence thereon ſo ſevere, and by the not proſecution thereof, ſo as the ſame may be brought to a Period, the Defender prejudged and highly damnified in his Eſtate and Credit) the Remedy of obliging the Purſuer to inſiſt, has ever been ſuſtained and allowed, and in the Terms following: Wherefore neceſſar it is for the ſaid Purſuer, to have thir our Summonds for inſiſting direct at his Inſtance againſt the ſaid *W. M.*, in manner, and to the effect after-ſpecified, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaid *W.* M. Purſuer of the ſaid Action, perſonally, or at his dwelling-place, on ſix days Warning, to Compear, *&c.* to anſwer at the Inſtance of the ſaid *A. B.* of —— Purſuer of this Action of Inſiſting; *That is to ſay*, the ſaid *W.* M. to bring with him, Exhibite and Produce before the ſaids Lords, the ſaid day and place, in the hour of

Cauſe, with continuation of days, the ſaid pretended principal Summonds raiſed by him againſt the Purſuer in the Premiſſes, with the Executions thereof, Letters of Inhibition and Arreſtment raiſed thereupon, with the Executions thereof, and grounds whereupon the ſaids Summonds proceeded, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſaid *W. M.* decerned and ordained by Decreet of the ſaids Lords to inſiſt in his ſaid unjuſt and malitious Purſuit, and to bring the ſame to a final cloſe, within year and day after the calling of the ſaids Summonds, ſo as by the Event the certainty of what juſtly due by the Purſuer to the ſaid *W. M.* and conſequently how far the Purſuer has been, and may yet be injured by him, may be known to the ſaids Lords, and thereafter they to do therein, and as to the Purſuers Charges and Damage, whereof he ſhould be reimburſed, as in Juſtice they think fit or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaid Defender if he failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find and declare the ſaid *A. B.* his Heirs, Executors and Succeſſors liberat and free of the ſaid Purſuit, and haill Import and Contents thereof, and of the haill Diligence raiſed and executed thereon, and the ſaid Defender in this Action, and Purſuer of the ſaid firſt and malicious Action, nor his Heirs, Executors and Succeſſors ſhall never be heard therein, or in any other Action or Purſuit for that Cauſe, or upon that Account in any time-coming, conform to the laudable Laws and Practique of this Kingdom, uſed and obſerved in the like Caſes in all Points; *This Summonds needs no ſecond Dyet, but ſhould paſs by way of Bill, the Date whereof is the Date of the Summonds.*

Ex Deliberatione Dominorum Concilii.

I never ſee but two or three (at moſt) of thir Summonds, one of them was of an Summonds of Reduction and Declarator, and the other of an Summonds much of the nature of the foregoing Summonds, but never had the occaſion (ſince I was Writer to the Signet) to ſubſcribe any of them my ſelf.

SUMMONDS of Releif at the inſtance of an Heir, againſt the Executor.

CHARLES, &c. Meant and ſhewen to us by *A.D.* eldeſt lawful Son and Heir, ſerved and retoured to the deceaſt *G.D.* of ——, That where albeit (by the Laws of this Realm) the Heir alſwell as the Executor, are obliged to the Creditor of the Defunct, for payment of the juſt and lawful Debts of the Defunct; yet notwithſtanding thereof, the Executors are alſo obliged to releive the Heir of the Debt, in ſo far as the Executry and Movable-Eſtate may amount to, *& ſecundum vires Inventarii*: And true it is, that the Purſuer as Heir foreſaid, is Purſued and Diſtreſt at the inſtance of the perſons after-named, lawful Creditors to the ſaid Defunct, for payment of the particular Debts and Sums of Money after-ſpecified, Adebted and Reſting, Owing to them by the ſaid Defunct, by Bond, Tickets, Accompts and otherways, in manner after-mentioned, ilk ane of them for their own parts, as is after-divided, *viz.* (*here leave Blank for half Sheet, to libel the Debts reſting, and then ſay*) Likeas the ſaid Defunct had pertaining to him the time of his deceaſe, (which was upon the —— day of —— years,) the Goods, Gear, Debts, Sums of Money, Mails, Farms, Profits and Duties of Lands, Outtenſils, Domicils, Gold, Silver, and others underwritten, (attour the Movable-Heirſhip,) adebted and reſting, owing to him by the perſons after-named, and in his Poſſeſſion, and of the Avails, Quantities, Eſtimations and Prices

Prices after-rehearſed in manner after-expreſt, *viz.* (*leave Blank for inſerting and libelling all, and then ſay*) and which Goods, Gear, Debts, Sums of Money, and others above-ſpecified, are either given up or ſhould have been given up in Inventar, and confirmed accordingly by *A. F.* of —— Executor, Nominat by the ſaid Defunct in his Latter-Will and Teſtament, it being near year and day, and upwards, ſince the ſaid *G. D.* deceaſt, (being at the time above-mentioned,) and in which time and ſpace (by the Laws and Practique of this Realm) the ſaid Teſtament ſhould have been not only confirmed but execute, and the ſubject Matter made effectual for payment of Debts in the firſt place, and the *Superplus* made furth-coming to thoſe having Right thereto in the next place, and yet neglected by the ſaid Executor Nominat, (who by the Laws and Conſtitutions of this Kingdoms ought to have done otherways) and thereby lyable *in ſolidum*, and for Omiſſions alſwell as Commiſſions, (had he medled alſwell as confirmed;) and albeit it be of Verity, that the ſaid Purſuer as Heir foreſaid, has oft and divers times deſired and required the ſaid *A. F.* Executor foreſaid, (and as he who *virtute Officii*, and by the ſaids Laws and Conſtitutions of this Kingdom, either did or ought to have uſed exact Diligence, in manner and to the effect foreſaid,) to warrand and releive him of the ſaids Debts (6) reſting by the Defuncts Father as ſaid is, and to purchaſe and procure from the ſaids Creditors the ſaids Bonds, Tickets and Accompts un-regiſtrat, or ſufficient Acquittances and Diſcharges thereof, in favours of him, his Heirs and Executors, and all others the repreſentatives of his ſaid deceaſt Father, bearing abſolute Warrandice, and all other Clauſes needful, and to deliver the ſaids Diſcharges, or regiſtrat Extracts thereof, to the Purſuer, for his own and his foreſaids their full, free and abſolute Exoneration of the ſame, in time-coming: Nevertheleſs, he wrongouſly refuſes, poſtpones and defers to do the ſame, without he be compelled, as is alledged. *Our Will is herefore*, and We Charge you, that ye lawfully Summond, Warn and Charge the ſaid *A. F.* perſonally, or at his dwelling-place, on twenty one days Warning, to Compear before Our Lords of Council and Seſſion, *&c.* to Anſwer at the inſtance of the ſaid Purſuer in the ſaid Matter, *that is to ſay*, the ſaid Defender to hear and ſee the Premiſſes ſufficiently verified and proven to be of Verity, and the ſamine being ſua verified and proven, to hear and ſee himſelf decerned and ordained by Decreet of the ſaids Lords, to warrand and relieve the ſaid Purſuer as Heir foreſaid, of the ſaids Debts, (*here conclude according to the Subſumption from the Figure* (6) *till ye come to* Nevertheleſs, *and then ſay*) conform to the laudable Laws, Conſtitutions, and dayly Practique of this Our Realm, heretofore inviolably obſerved in the like Caſes in all points, or elſe to alledge an reaſonable cauſe why the ſame ſhould not be done; with Certification to the ſaid Defender if he failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and decern therein in manner foreſaid; and if the ſaid Defender failzie, and compear not day and place foreſaid, (*here follow furth the ſecond Dyet, and conclude with*) According to Juſtice, as ye will Anſwer, *&c.*

Nota, *There be ſeveral Debates that ariſe in this Caſe, as to the Defender againſt the Purſuer; As* 1. *He has Execute the Teſtament ſo far as was poſſible, and many of the Debts and Debitors proved inſolvent.* 2. *He will contend the Debts for which the Purſuer is diſtreſt are Heretable, and ſo as Heir ſhould pay them.* 3. *Expenſe of Confirmation and Execution of the Teſtament, muſt be deduced.* 4. *The Defender has payed many Debts and Legacies, Mournings, Servant-Fees, &c. upon Sentence and Diſcharge.* 5. *He cannot* pro reliquo *be obliged further than to Aſſign his Diligence.* 6. *And which is worſt of all, the*

Purſuer by his Diſpoſition from the Father of the Eſtate, or other Writ obliged to pay all the Debts, and the benefit of the Executry he Legat to the younger Children, and beſides Legally exonered, comes in Play; but I leave theſe things to Lawers.

SUMMONDS of General and Special Declarators, at the Inſtance of the Kings Donator, and the Kings Advocat, of Ward, Nonentrie, Relief, and Marriage of divers Perſons.

CHARLES, *&c.* to our Lovits, *&c.* our Sheriffs, *&c.* meant and ſhown to us by *A.G.* of —— Donator after-ſpecified, and our right Truſty Counſellor —— our Advocat for our Intereſt in the matter under-written, that where we with Advice and Conſent of (*here take in the Tenor of the Gift in the third perſon, till ye come to the Words* With full Power, *and then ſay*) as the ſaid Letter of Gift of the Date foreſaid, in it ſelf more fully proports; by vertue whereof We, and conſequently our ſaid Donator, have ſufficient, good and undoubted Right and Intereſt, in, and to the ſaid Ward and None-entry, Duties and Caſualities above-mentioned, with the ſaids Reliefs and Marriages, and haill Benefit and Caſualities of the ſame, and to call and purſue therefore in manner under-written; And true it is, that the Lands and others after-ſpecified, *viz.* ——— Wherein the ſaid deceaſt P. *D.* of S. dyed laſt veſt and Seaſed, have been in None-entry by his Deceaſe (and who deceaſt upon the —— day of —— —— years, and continues ſo) by and through P. *D* now of *S.* his eldeſt lawful Son his not Entering and Infefting himſelf as Heir to him therein, and there-through the ſaid Purſuer as Donator foreſaid has *R*ight to the retoured Duties thereof, not only thir bygane years, ſince his ſaid Fathers deceaſe, now by the ſpace of ——, extending the ſaids Retoured Duties yearely to —— and in haill to —— but alſo to the *ipſa corpora* of the Mails, Duties and Caſualities of the ſaids Lands, and others foreſaids, of this inſtant Cropt 1689 —— years, and yearly and termly thereafter, in all time-coming, ay and while the lawful Entery of the ſaid *P. D.* now of *S*, and failzeing of him by deceaſe unentered, of the next lawful Heir or Heireſs of the ſaid deceaſt *P. D.* of *S.* thereto, and which Mails, *D*uties and Caſualities, are yearly of the Avails, Quantities, Eſtimations and Prices aftermentioned, *viz.*—— Likeas, the Lands and others after-ſpecified, *viz.* ——wherein the ſaid deceaſt *M. C. G.* was Infeft, were in None-entry from the time of his deceaſe, and who deceaſt upon the —— day of —— —— years, until the deceaſt *M. R. G.* his Entry thereto, and being Infeft as Heir to him, which was upon the —— day of —— —— years, and ſo by the ſpace of ——, wherethrough the retoured *D*utie in that time being ——— yearly, and extending in haill to ——, became due, as alſo the ſame were in Non-entry from the deceaſe of the ſaid *M. R.* which was upon the —— day of —— —— years, until *R. G.* his eldeſt Son his deceaſe, which was upon the — day of —— —— years, and who lived and dyed unentered Heir to the ſaid M. *R.* his Father, and there-through the Retoured *D*uties of the ſaids Lands being — yearly, and ſo during that ſpace, extending to — became due, and in like manner the ſaids Lands and others foreſaids, by the deceaſe of the ſaid *R. G.* who deceaſt upon the — day of ---- ---- years, and Minority of *G.* his eldeſt lawful Son, fell and became in our hands, by reaſon of Ward, and there-through the whole Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof yearly ſenſyne, and in all time-coming, ay and while the lawful Entry of the ſaid — *G.* and failzeing of him by deceaſe, of the next Heir or Heireſs of the ſaid *M. R.* thereto extending the ſaids Mails, *D*uties and Caſualities

ualities yearly, and ilk year, to the Avails, Quantities, Eſtimations and Prices under-written, *viz.* —— together with the Relief when the ſame ſhall happen, extending to ——, and the ſingle Avail of the ſaid *R. G.* his Marriage, and who married after his Fathers Deceaſe, being a perſon of —— Chalders Victual, and —— Money Rent a year, extending to the Sum of ——, and which Single Avail the ſaid *R. G.* either got or might have got in Tocher, and the double Avail thereof extends to ——, and the ſingle Avail of the ſaid —— *G.* his *M*arriage, extends to —— and which he may have in Tocher, being a perſon of the Quality & Eſtate above-mentioned, and to which reſpective Avails, the ſaids Wards, Non-entries, *R*elief and *M*arriages, ought to be liquidat by our Lords of Council and *S*eſſion, in manner under-written, and therefore it ought and ſhould be found and Declared by *D*ecreet of our ſaids Lords, that the Lands and others above-ſpecified, hold Ward of us, and that the ſame have fallen and become in our hands, by reaſon of Non-entry, by and through the Deceaſe of the ſaids *P. D. M. C. M. R.* and *R. G.* in manner, at the time, and during the ſpace above-mentioned, and that thereby the ſaids Non-entrie Duties are become due, as alſo that by the Deceaſe of the ſaid *R. G.* and *M*inority of the ſaid —— his *S*on, the ſaids Lands and others foreſaids are fallen and become in our hands, by Reaſon of Ward ſince the time above-mentioned, and continues ſo as ſaid is; and that by the ſaid *R. G.* his marrying after the Death of his Father, the ſingle and likewiſe the double Avails of his *M*arriage, are become due, and that by the ſaid —— *G*, Son to the ſaid *R. G.* his not being married, being —— years of Age, the ſingle Avail of his *M*arriage is become due, and all the ſaids Non-entries, Ward, and *M*arriages, and ſingle and double Avails thereof, with the ſaids Reliefs, ought and ſhould be liquidat by the ſaids Lords their Decreet, to the particular *S*ums above-mentioned, and it found and declared, that the ſaid *A. G.* Purſuer as *D*onator foreſaid, has ſufficient and indoubted Right and Intereſt thereto, and likeways to the haill Benefit and Caſualities of the ſame in time coming, during the Continuance of the ſaid Ward and Non-entry *reſpectivè* with the Relief in manner above-expreſt, and the ſame being ſua found and declared, the ſaid P. *D.* now of S. and the ſaid —— *G*, as Heir ſerved and retoured to, or otherways repreſenting his ſaid deceaſt Father and Grand-father *reſpectivè*, either immediatly or by *P*rogreſs, and the ſaid —— *G.* his Tutors and Curators, if he any has for their Intereſt, and —— Tennents and *P*oſſeſſors of the Lands and others foreſaids, ought and ſhould be decerned by Decreet of the ſaids Lords, to make payment to the ſaid *P*urſuer, as Donator foreſaid of the ſaids Non-entrie *D*uties, as well retoured as the *ipſa corpora* bygone, and in time coming, and in like manner the ſaid —— *G.* as Heir foreſaid, or otherways repreſenting his ſaid deceaſt Father and Grand-Father in manner above-ſpecified, and his ſaid Tutors and Curators for their Intereſt, and the ſaids Tennents and Poſſeſſors, ought and ſhould be decerned to make payment to the ſaid Purſuer of the ſaids Ward-Mails, Farms, Kains, Cuſtoms, Caſualities, *P*rofits and Duties of the ſaids Lands and others above-mentioned, fallen Ward as ſaid is yearly, ſince the deceaſe of the ſaid *R. G.* which was at the time above-mentioned, extending yearly, and ilk year, to the Avails, Quantities, Eſtimations and *P*rices above-expreſt, and ſicklike to make payment to him of the like *M*ails, Duties and Caſualities yearly in time-coming, during the continuance of the ſaid Ward, and thereafter whilſt the Non-entry ſubſequent to the Ward endures, and until his lawful Entry to the ſame; and the ſaid —— *G.* and his ſaids Tutors and Curators ought and ſhould be decerned to make payment to him of the ſaid Relief, extending as ſaid is, and the ſaid —— *G.* as repreſenting his ſaid Father, and his ſaid Tutors and Curators ought and ſhould be decerned to make payment to him as Donator foreſaid of the

ſingle and double Avails of the ſaid deceaſt *R. G.* his Marriage, and of the ſingle of his own Marriage, extending in manner above-rehe rſed, and the ſaids Ward and Non-entry-Duties, Relief, and Marriages liquidat accordingly, after the Form and Tenor of the ſaid *Letter* of Gift, Laws and Practique of this Kingdom, heretofore inviolably obſerved in the like caſes, in all points; and which all of them refuſe, poſtpone and defer to do, albeit oft and divers times deſired and required thereto, without they be compelled as is alledged. *Our Will is herefore*, and we Charge you, that ye peremptorly *Summond*, warn and Charge the ſaid *P. D.* now of *S.* and the ſaid —— *G.* for himſelf, *& nominibus paſſivis quibus ſupra*, and the ſaid —— Tennents and Poſſeſſors of the ſaids Lands and others above-ſpecified, holden Ward as ſaid is, perſonally, or at their Dwelling-places on twenty one days warning, and the ſaid —— G. his Tutors and Curators, if he any has for their Intereſt, and all others having or pretending to have Intereſt in the ſaid matter, by open Proclamation at the Mercat-Croſs of —— and other places needful, to Compear, *&c.* to anſwer at the Inſtance of the ſaid *A. G.* Purſuer, as Donator foreſaid, and als at the Inſtance of the ſaid —— our Advocat for our Intereſt in the ſaid matter, *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared, by Decreet of the ſaids Lords of our Council and Seſſion, that the ſaids Lands and others above-ſpecified hold Ward of us, *(here to conclude in the Terms of the above-written Subſumption, but more curtly making a Reference, as to the years, Quantities and Prices to what above-ſaid)* or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find liquidat, Decern and Declare in manner above rehearſed, *to inſert a ſecond Dyet, becauſe this Summonds contains a ſpecial Declarator, and then ſay*, According to Juſtice, to be called upon the reſpective Dyets, and Tabulat the ſaid General Declarator in our Table, and called by the Order and Priviledge thereof, conform to our ſaids Lords their daily Practique and Order uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will anſwer, *&c.*

Ex Deliberatione Dominorum Concilii.

Nota, *There were ſome Perſons Creditors to a Gentleman, and for their Debts and Security thereof, Appryſed and Adjudged his Lands, which held Ward of the King, and were thereupon Infeft by Charter under the Great Seal, and the Appryſer and Adjudger (being different perſons) deceaſing, and both of them married, and likeways their Heirs being married, and paſt 21 years, the Lands fell in Non-entry, and no other Caſuality thereby fell due (but that of Non-entry) and thereafter it fell out, that the Heir of the Adjudger (after he was Infeft and married) deceaſt, and his Son Major but unmarried, ſo that thereby nothing fell due, but the Non-entry, Mails, and the Sons Marriage, and thereafter the Son albeit after his Fathers deceaſe married, was not Infeft, and left a Son Minor, ſo that the Lands fell and became in the Kings hands, by reaſon of Ward and Non-entry, and thereby the Ward and Non-entry, Duties, with the Relief as well as the Marr age became due, and the Gift of all the reſpective Caſualities were gifted to this Purſuer, who thereupon with Concourſe of His Majeſties Advocat intents the Declarator aforeſaid, and which Gift ye will find amongſt that part of the whole work only paſſing the Privy Seal, wherein his Majeſty upon the ſpecial Conſiderations therein-mentioned, and particularly, that the Appryſer and Adjudger were but Creditors, and exped their Infeftments for Security of their Debts, and unwilling that the leaſt Advantage ſhould be taken of his good Subjects on that head, accordingly the Gift was paſt upon*

a reasonable Composition; And because Declarators of this Nature (wherein the Kings Advocat Concurs) should have a Bill, I have set it down here.

BILL of general and special Declarator of Ward, Non-entry, Releif and Marriage, at the instance of the Donator and His Majesties Advocat.

MY *Lords of Counsil and Session, Unto your Lordships humbly sheweth,* A. G. *of* D. *Donator after-specified, and* S. G. M. *His Majesties Advocat for his Interest, in the Matter under-written: That where His Majesty, with Advice and Consent of the Lords Commissioners of His Highness Thesawry and Exchequer, by his Letter of Gift under the Privy Seal, of the date the —— day of —— last-by-past, gave, granted and disponed to me the said* A. G. *my Heirs and Assigneys whatsomever,* (here deduce the Tenor of the Gift, until ye come to these Words, *with full Power,* and then say) *as the said Letter of Gift, of the date foresaid, in it self more fully proports; by vertue whereof, I the said* A. G. *as Donator foresaid, have sufficient, good and undoubted Right and Interest in and to the said respective Wards and Non-entry,* Mails, &c. *of the respective Lands and others above-mentioned, pertaining and belonging to the fore-named persons holding Ward of His Majesty in manner-foresaid, yearly since the times of their falling in His Highness Hands, by reason of Ward and Non-entry* respective, *in manner above-exprest,* &c. *and yearly and termly in time-coming during the continuance of the said Lands, either in Ward or Non-entry* respective, *together with the Marriage of the said deceast ——, both single and double Avail, in respect of his being married after the said deceast —— his decease, as also the Marriage as to the single Avail of the said —— already fallen, being —— years of Age, and double Avail thereof when the same falls due, and I ought and should be answered, obeyed and payed thereof, by the said respective persons for themselves, and as representing their said Fathers and Grand fathers* respective, *upon ane or other of the Passive Titles, either immediatly or by progress, and ought and should be sua declared by your Lordships; and being sua declared, the said respective persons, according to their respective Interests in the said Matter, and the Tutors and Curators,* &c. *and —— Tennents and Possessors of the Lands and others after-specified,* viz. —— *lying within the Sheriffdom of ——, and holden Ward as said is, ought and should be decerned by your Lordships Decreet, to make Payment to me as Donator foresaid of the Ward and Non-entry,* Mails, *Farms,* &c. *after-mentioned, whether the retoured-duty or* ipsa corpora *yearly, the Cropps and years of God under-written, of the Avails, Quantities, Estimations and Prices after-exprest, ilk ane of them for their own parts, and according to their several proportions thereof, as is particularly after-divided,* viz. —— *and of the like* Mails, Farms, &c. *yearly in time-coming during the said Ward and Non-entry, and ay and while the lawful Entry of the righteous Heirs thereto, as also the said* — G. *apparant Heir foresaid ought and should be decerned by your Lordships Decreet, to make Payment to me the said* A. G. *as Donator foresaid of the said Relief after-specified,* viz. ——, *and the said —— ought and should be decerned by Decreet foresaid, to make Payment to me as Donator foresaid of the single Avail of his said deceast Fathers Marriage, extending to ——* Scots *Money, which his said deceast Father either got or might have got in Tocher, being a Gentleman of Birth and Quality, having an Estate consisting of —— Chalders Victual-Rent, and of —* Money-Rent *yearly; and likewise to make Payment to me of the double Avail of his said Fathers Marriage, extending to ——* Money *foresaid; and in like manner, to make Payment to me as Donator foresaid, of*

the Sum of —— Money above-written, for the ſingle Avail of his own Marriage, being now paſt — years of Age, and conſiſting of the Fortune and Eſtate above-mentioned, and of the Birth and Quality aforeſaid, and to which reſpective Sums the ſaids Ward, Non-entry, Releif and Marriage, ought to be liquidat by your Lordſhips Decreet, conform to the ſaid Letter of Gift, laudable Laws and Practique of this Kingdom, heretofore inviolably obſerved in the like Caſes in all Points; and which, the fore-named perſons, and the ſaid ——, and his Tutors and Curators for their Intereſt, wrongouſly refuſe, &c. *to do, albeit oft and divers times deſired and required thereto, without they be compelled.* Herefore *I the ſaid* A. G. *as Donator foreſaid (with concourſe of His Majeſties Advocat,) beſeech your Lordſhips, that we may have Summonds of general and ſpecial Declarators in the Premiſſes, againſt the ſaids ——, and the Tennents and Poſſeſſors of the ſaids Lands and others foreſaids holden Ward as ſaid is, and the Tutors and Curators,* &c. *and all others having or pretending to have Intereſt,* &c. as we pleaſe Libel, upon two Dyets, the one of twenty one days, and the other of ſix days, *&c. to be Tabulat, the ſaid general Declarator in his Majeſties Table, and called by the order and priviledge thereof, conform to your Lordſhips daily Practique and Order uſed and obſerved in the like Caſes, and your Deliverance to be granted thereanent, and your Lordſhips Anſwer.*

Nota, This Bill, as it is ſubſcribed by the Writer, ſo muſt be ſubſcribed by the Kings Advocat, and then paſſes in courſe; and the date of the Bill, is the date of the Summonds, as in all other Caſes where Summonds have Bills.

Some Creditors are tender and loath to take Infeftment in Lands holding Ward, becauſe of the ſad Conſequence; others do it not, knowing how the Lands hold; others, as they do it cum periculo, *ſo (as a ſafe-guard againſt the Ward) they put their Wives in Liferent of the Money, and appryſe in the Wifes Name alſwell as their own, or if the Wife be in neither Bond or Appryſing, the Husband Aſſigns and Diſpones the ſame to the Wife in Liferent, and paſſes Infeftment in both their Names; which if the Wife ſurvive the Husband, ſaves the Caſuality of the Ward (as to the Fruits and Rent of the Lands during her Lifetime, even albeit the Heir of the Marriage be Minor,) for in that caſe there is neither Ward, Non-entry or Releif due, the Lands being in the Hands of the Wife by reaſon of Conjunct-fee, not in the Superiors Hands, by reaſon of Ward or Non-entry, but the Marriage will fall due notwithſtanding, if the Son was not married in the Fathers Lifetime, as ſome fore-ſeeing Men do.*

Other perſons that Appryſe, and thereupon Infeft, finding thereafter ſome of the Lands to hold Ward, they immediatly Poſſeſs, and by Intromiſſion, extinguiſh their Appryſing (if not aliunde *payed and redeemed,) and immediatly renunce their Right and Poſſeſſion, and all to liberat themſelves of the event of the Ward.*

SUMMONDS of Declarator at the inſtance of ſeveral Perſons who have Intereſts within a Burgh and Territory thereof, partly holden of the King Burgage, and partly of the Burgh Feu, againſt the preſent Magiſtrats and Stent-Maſters thereof, for rectification and redreſs of ſeveral Impoſitions, (not impoſed by publick Authority,) and of the Extent thereof, and manner of Stenting and inequality thereof.

CHARLES, &c. To Our Lovits, *&c.* Our Sheriffs in that part, *&c.* and Meſſengers *reſpective*, &c. *Mean'd* and ſhowen to Us by *J. F.* of ——, *R. S.* Merchant Burges of ——, *J. C.* of ——, and —— of ——, That where the ſaids Purſuers ſtand heretably inſeft and ſeaſed in the Milns of —— Miln, Lands, *Multurs* and *Sequels* thereof, lying within the Parochin of ——, and Sheriffdom thereof, holden Feu of the Provoſt, Baillies, Council and Community of the ſaid Burgh of —— for payment of the *Sum* of —— *ſcots* money, yearly, at two Terms in the year, *Whitſunday* and *Martinmaſs*, by equal Portions, and doubling the ſaid Feu-Duty the firſt year of the Entry of their Heirs thereto, as uſe is of Feu-farm, and that for all other Burden, Exaction, Queſtion, Demand, or ſecular Service, that can be any ways asked or required by any perſon or perſons furth thereof, as the Charter granted to the Purſuers thereupon, and the Inſtrument of Seaſin following on the ſame, in themſelves more fully proport; Likeas the ſaids Purſuers ſtand Inſeft in ſeveveral Roods, Aikers, Fiſhings, and others lying within the ſaid Burgh of —— and Territory thereof, holden of us and our *Royal* Succeſſors in free Burgage for ſervice of Burgh uſed and wont, as the Inſtrument of *Seaſin* granted to them thereupon, in themſelves alſo more fully is contained; And however by the municipal Laws, Acts of *Parliament*, and Conſtitutions of this our Ancient Kingdom, our Liedges and Good *Subjects* are no furder lyable to publick Burdens, (ſuch as Ceſs, Taxations, and the like) than is impoſed by publick Authority and Repreſentatives of the Nation in plain *Parliament*, or Convention of the Eſtates of the Kingdom, and as our Affairs (tending to our Honour and their own *Preſervation*) may require, and as to ſuch of our Liedges as live within Burrows Royal, or have Intereſt therein, in point of Scoring, Loting, Watching and Warding, cannot be impoſed upon (as to Burdens by the Magiſtrats and Council for the time, who have the Charge and Government of the place) furder than in the equal Diviſion of what ſo impoſed by publick Authority, Parliament and Convention, according to perſons their reſpective Intereſts, Trade and Concernments within the Burgh, and Territory thereof (eſpecially as to Lands or Milns holden Feu of the Town, for payment of a certain Feu-Duty *pro omni alio onere*) but no ways at their own hand, to creat and impoſe other Burdens, Stents and Taxes *ad libitum*, and for privat ends and Deſigns, as proſecuting or defending of *Pleas*, upon the account of Moſs, Meiths and Marches, and the like, which if neceſſary, ſhould be always defrayed by the Common-good of the *Place*, whereof the Magiſtrats of the ſaid Burgh of —— never gave any account to the Community and Neighbours, but is patcht up from one Election to another, and an Exoneration granted, without Conſideration had, or Reaſon given of the Cauſe how expended, and whether onerouſly, and for the Utility and *Profit* of the Burgh or not, and in effect, what impoſed by publick Authority, the Stent-maſters appointed for Diviſion thereof amongſt the Neighbours, do the ſame ſo unequally, that without reſpect to each *Mans* true Intereſt and Trade, (to which there ſhould always be an Eye and Proſpect, ſome having Land

without Trade, and others both Land and Trade, and ſome greater and leſſer) that they over-burden ſome, and favour others that are their Relations or Allyes, and thereby, and in the Exaction conform, commit great Iniquity, and violate the wholſome Laws of the Kingdom, and true and pure Deſign of Government in Cities, and beſides the *Magiſtrats* uſe ſuch ſummar Execution for payment of theſe Stents and Taxations (by Quartering, Poynding and otherways) that the payment is made effectual, before the perſons grieved can make Application for Suſpenſions, or other legal Remedies, whereby they ſuffer in great, and in ſo much, that albeit thir —— years bygone, there were no more Ceſs or other Taxation impoſed by publick Authority, and *Repreſentatives* of the Kingdom aſſembled in Parliament or Convention of the Eſtates, but —— *Months* Ceſs and Taxations, yet the Magiſtrats of the ſaid Burgh, at their own hands, and for privat ends as ſaid is, have impoſed and exacted the double, if not the Triple, as is evident, and will appear by the Diſcharges, and Receipts granted by their Collectors for the ſame (a moſt unſupportable Burden, and ſuch as they are not able to undergo for the future without their abſolute ruine, as to thoſe parts of their Eſtates lying within the ſaid Burgh, and Territory thereof) and therefore, (and for preventing the like Inconveniencies for the future) it ought and ſhould be found and Declared, by Decreet of our Lords of Council and *Seſſion*, that the ſaids Magiſtrats and Stent-Maſters have done wrong in ſo doing, and that the *Purſuers* and their Succeſſors in the Right of the ſaids Milns, Miln-Lands, Multures and *Sequels* thereof, are no furder lyable in publick Burdens, or other Ceſs and Taxations than a proportional part effeirand to their Valuations, of what is impoſed by us and our Royal Succeſſors, with the Advice and Conſent of our Eſtates of *Parliament* (6) conform to the Tenor of their ſaids Rights and Infeftments, bearing the ſaid Feu-Duty to be annually *pro omni alio onere*, in manner foreſaid, and as to their *Lands*, Roods, Aikers, Fiſhings, and others within the ſaid Burgh and Terretory thereof, it ought and ſhould be found and Declared by *Decreet* foreſaid, that they and their foreſaids are not lyable in Ceſs, Taxations, and other publick Burdens, further than what impoſed by publick Authority, as ſaid is, and that effeirand to their Intereſt, and equally and proportionally with the other Neighbours within the ſame, and with a due regaird to theſe that have only Land or Fiſhing, but not Trade, and thoſe that have both, and ſo in equity ſhould bear and pay but a ſuitable Proportion, and that it ſhall not be lawful to, or in the power of the ſaids Magiſtrats, or their *Succeſſors* in place and Office (under whatſoever Colour or Pretext) in any time-coming, to impoſe upon, or exact from, the ſaids *Purſuers* or their Succeſſors any other Burdens, Stents or impoſitions, except what impoſed by publick Authority in manner foreſaid) at leaſt if any other Burden be neceſſar, and ſuch as by Law within Burgh may be impoſed and exacted, it ought and ſhould be found and Declared, that ſome competent time before any ſuch Impoſition be laid on be allowed, and that the true Cauſe, Reaſon and Grounds thereof, (as well as the Sum or Quantity) be made known by publick *Placads* affixed on the Tolbooth, Ports of the Town, and other publick places thereof, and that the Publick Records as to their Common-good, and how exhauſted be alſo expoſed, and the *Purſuers* and their Succeſſors, and other good Citizens certiorat as to all, and that they be heard before the ſaids Magiſtrats upon the whole matter, and whether the intended Burdens be neceſſary or not, and the ſaid Common good profitably exhauſted or not, and may give in their juſt and lawful Objections againſt the ſame, and even in caſe the intended Burdens ſhould be found neceſſary, and the Common-good truely and profitably exhauſted, and ſo an neceſſity of its being impoſed; It ought alſo be found and declared by the ſaids Lords their Decreet

creet, that after impoſing, the Purſuers and their foreſaids & other Citizens have a Liſt of the Names of the Stent-maſters left open to them upon the Council-Table of the Burgh for ſome days, that after Inſpection thereof, they may (if ground for it) give in their Objections againſt all or either of them, and when the Liſt is adjuſted, and the Stent accordingly ſet down by them as to each Mans Proportional Exaction thereof, or Compulſitors for the ſame, by Quartering, Poynding or otherways, ought and ſhould be diſcharged for a competent time thereafter, and in the mean time, the Liſt of all the Proportions, to remain open and patent in the Town-Clerks hands, that thoſe concerned may have Inſpection thereof, and thereby know whether they be leaſed or not, and if leaſed, may make Application to the Magiſtrats for Redreſs, and ſhould the ſame be denyed, may make Application to the ſaids Lords, or other Judges competent for Remeid of Law, and the ſaids Rules and Method Ordained to ſtand, and be inviolably obſerved within the ſaid Burgh of —— by the preſent and future Magiſtrats thereof in all time-coming, conform to the Act of Parliament, Laws, Statutes and Conſtitutions of this our ancient Kingdom, in all Points, (7) as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn and Charge *A. C.* Provoſt and —— Baillies of the ſaid Burgh of —— for themſelves, and as repreſenting the Council, and the whole Body and Community, and —— late Stent-maſters within the ſame, perſonally, or at their Dwelling-places on twenty one days warning, and all others having or pretending to have Intereſt, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaids Purſuers, in the ſaid matter, *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified, and proven to be of verity, and the ſame being ſua verified and proven, the ſaids Defenders (and for preventing the like Inconveniences for the future) to hear and ſee it found and Declared by Decreet of the ſaids Lords, that the ſaids Magiſtrats and Stent-Maſters have done wrong, in doing as aforeſaid, and that the Purſuers and their Succeſſors, in the Right of the ſaids Milns, Miln-Lands, Multures and Sequels thereof, are no further lyable in publick Burdens, or other Ceſs or Taxations than a proportional part effeirand to their Valuations, of what is impoſed by us and Royal Succeſſors, with the Advice and Conſent of our Eſtates of Parliament, (*here take in from the Figure* (6) *in the Subſumption, until ye come to the* (7) *Figure before the Will, only with this Alteration*, for ought and ſhould, write *to hear and ſee*) or elſe to alledge a reaſonable Cauſe why the ſame ſhall not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find, Decern and Declare in manner foreſaid. *It is fit to inſert a ſecond Dyet, and then ſay, according to Juſtice, &c.*

This Summonds needs no Bill.

Nota, *As this is an extraordinary Summonds, ſo it continued in Debate for ſeveral Seſſions, and* in fine *was diſcuſt, and deceided* in Terminis.

Nota, *The Trades of* Kirkaldie *purſued the Magiſtrats thereof upon this head, that the Magiſtrats was perpetuat in the perſons of a few, who (linked together by Conſanguinity and Affinity) made up the Council yearly, and thereby inhanced the whole Power of the Towns Affairs (and particularly Stenting without any Communication thereof in leſs or more) to the Trades, who had a great part of the Property of the Town, beſides the Effects of their Callings and Indeavours; By which the Town became not only the more Populous, but more inriched than by Merchants, who when turned rich, acquired Eſtates in the Countrey, whereas the Trades*

and their Children continued always therein, and ſo in Law and Juſtice ſhould have a ſhare in the Government of the Town, and thereby witneſs the Adminiſtration thereof, as was and is practiſed in the moſt (if not all) the well governed Cities in the Kingdom, and therefore craved a Regulation and Rectification for the future, and that their Deacons might be declared capable to be of the Council, and Ordained to be annually Elected, as indiſpenſible Members thereof for the future.

This Caſe was decided favourably and juſtly, and will be found amongſt my Lord Stairs *Deciſions, having written moſt exactly all things memorable ſince King* Charles *happy Reſtauration, amongſt the reſt of his publick Works expoſed to the Preſs* cum Privilegio) *for the good of the preſent and future Ages.*

SUMMONDS of Declarator of the Nullity of a Back-Tack, contained in a Contract of Wodſet, for not Payment of the Back-Tack-Duty.

CHARLES, *&c. To* &c. *Our Sheriffs,* &c. *by* G. D. *of* ——, *That where by Contract of Wodſet, made and paſt betwixt the ſaid Purſuer and* H. M. *of* ——, *on the one and other parts, of the date the* — *day of* — *years, the ſaid* H. M. *(for the Cauſes therein-ſpecified,) Sold, Annailzied, Wodſet and Diſponed to the ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretably, all and haill the Town and Lands of* ——, *lying within the Parochin of* ——, *and Sheriffdom of* ——, *and bound and obliged him, his Heirs and Succeſſors, to Infeft and Seaſe the ſaid Purſuer and his foreſaids therein, to be holden with abſolute Warrandice, and under Reverſion, in manner ſpecified in the ſaid Contract; whereby the ſaid* Purſuer *alſo ſet back and in Tack and Aſſedation, Lett to the ſaid* H. M. *and his Heirs and Aſſigneys, the foreſaids Lands and others above Wodſet, with the* Pertinents, *during the ſaid not* Redemption, *for yearly* Payment *to the ſaid* Purſuer *and his foreſaids, of the Sum of* ——, *at two Terms in the year,* Whitſunday *and* Martinmaſs, *by equal* Portions, *in Name of Back-Tack-Duty, beginning the firſt Terms* Payment *thereof at the Term of* ——— *then next to come (for the Term immediatly preceeding,) and ſua furth yearly thereafter at the ſaids Terms, and by equal* Portions *as ſaid is, during the ſaid not* Redemption; *Likeas, by the foreſaid Back-Tack, it is expreſly provided and declared, that in caſe two Terms run in the third, (the ſaid Back-Tack-Duty not payed,) that then and in that caſe, the ſaid Back-Tack ſhould from thence-furth become void and null in it ſelf, by way of Exception or Reply, without any neceſſity of Declarator of Nullity to follow thereupon, ſicklike as if the ſame had never been made or granted; and that it ſhall be lawful to the ſaid Purſuer, and his foreſaids, notwithſtanding thereof, to enter to the real, actual and peaceable* Poſſeſſion *of the ſaids Lands and others foreſaids, ſetting, raiſing, uſing and diſpoſing thereof at their pleaſure, and that* brevi manu *at their own Hand, but any neceſſity of Decreet or Sentence of Removing to preceed, or any hazard of Intruſion or peril of Ejection to be incurred by them there-through, and which by the foreſaid Contract are* (per verba de preſenti) *renunced and diſcharged in their favours for ever, as the ſaid Contract of the date foreſaid, in it ſelf more fully is expreſt: And true it is, that the ſaid* H. M. *Defender, has not only ſuffered two Terms to run in the third, but alſo* —— *Terms to run in* —— *Terms, in ſo far as the ſaid Back-Tack-Duty is really reſting from the Term of* —— 16 — *years, to the Term of* —— 16 — *years, (now by the ſpace of* —— *years,) where-through the ſaid Irritancy is incurred, and the ſaid Back-Tack is become extinct, void and null, in manner under-written, and therefore it ought*

and

and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, (6) that the foreſaid Back-Tack-Duty is really reſting by the ſpace above-ſpecified, and that thereby the ſaid Defender has not only ſuffered two Terms to run in the third, but alſo many moe Terms to run together, quite contrair and meerly repugnant to the ſaid Back-tack, and Clauſe Irritant therein-contained, which by ſo doing is contraveened and incurred; and the ſame being ſua found and declared, it ought and ſhould be alſo found and declared by Decreet foreſaid, that the foreſaid Back-tack is now and in all time-coming extinct, void and null in it ſelf, ſicklike as if the ſame had never been made or granted; and that notwithſtanding thereof, it ſhall be lawful to the ſaid Purſuer, and his foreſaids, inſtantly to enter to the real, actual and peaceable Poſſeſſion of the ſaids Lands and others above Wodſet, with the Pertinents, and to the Occupying, Labouring, Manuring, Setting, Raiſing, Uſing and Diſponing thereupon at their pleaſure, in time-coming, during the ſaid not Redemption, and that brevi manu *at their own Hand, but any neceſſity of Decreet or Sentence of Removing to preceed, and but hazard of Intruſion or peril of Ejection to be incurred by them there-through, conform to the ſaid Contract, Clauſe Irritant therein-contained, Laws and dayly Practique of this our Realm, heretofore inviolably obſerved in the like Caſes in all Points, as is alledged.* Our Will is herefore, *and We Charge you, that ye peremptorly Summond, Warn and Charge the ſaid* H. M. *Defender perſonally, or at his dwelling-place, on twenty one days Warning, and all others,* &c. *to Compear,* &c. *to Anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter,* that is to ſay, *the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords;* (to conclude *ut ſupra* from this *(6)* Figure, till *as is Alledged,*) *only for the Words,* it ought and ſhould *in the Subſumption, in the Concluſion ſay,* to hear and ſee, *and then ſay*) *or elſe to alledge,* &c. *with Certification to them if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and find, decern and declare in manner foreſaid, according to Juſtice, as ye will anſwer,* &c.

No Eill.

And needs no Continuation, being *Inſtanter* verified by the Contract, which bears the Obligment of Payment, and Condition of the Back-Tack and Irritancy; and that it is incurred, is clear, without the Defender produce Diſcharges of the Back-Tack duty, which ſeems improbable, or the Purſuer has intented his Action in vain, and may be lyable for the Defenders Expenſe, at the Modification of the Lords.

SUMMONDS of Declarator upon the not Redemption of Lands at an expreſs Term prefix'd, and that there-through the Reverſion is extinct, and the Lands become irredeemable.

CHARLES, &c. To, *&c.* Our Sheriffs, *&c.* by *G. D.* of ——, That where by Contract of Wodſet, made and paſt betwixt *H. M.* of —— and the ſaid Purſuer, on the ane and other parts, of the date the —— day of —— years; the ſaid *H. M.* (for the onerous Cauſes therein-ſpecified) Sold, Annailzied, Wodſet and Diſponed to the ſaid Purſuer, his Heirs and Aſſigneys whatſomever Heretably, all and haill the Town and Lands of ——, lying, *&c.* and bound and obliged him, his Heirs and Succeſſors, to Inſeft and Seaſe the ſaid Purſuer and his foreſaids therein, to be holden, and with abſolute Warrandice, in manner ſpecified in the ſaid Contract; whereby it

is expreſly provided and declared, that the foreſaids Lands and others above Wodſet, with the Pertinents, be redeemable by the ſaid *H. M.* his Heirs and Aſſigneys, from the ſaid Purſuer and his foreſaids, at any Term of *Whitſunday* even thereafter, (betwixt the Sun-riſing and down-paſſing thereof,) by Payment making to them of the Sum of —— *Scots* Money, in real and ſufficient Gold and Money (having Paſſage and Courſe of Payment for the time) within St. *Giles* Kirk in *Edinburgh*, (at that place thereof where umquhile *James* Earl of *Morray* his Tomb is ſituat,) upon the Premonition of fourty days of before, to have been made by them to the ſaid Purſuer and his foreſaids for that effect, perſonally, or at their dwelling-places, in preſence of an Nottar and Witneſſes as effeired; and in caſe of Abſence or Refuſal, to the Receipt of the ſaid Sum, the ſame to be Conſigned in the Hands of ——, to be furth-coming to the ſaid Purſuer and his foreſaids, upon the Peril of the Conſigner; and the ſaid Sum being ſua Payed or Conſigned as ſaid is, the ſaids Lands to be holden as lawfully redeemed in all time thereafter; and on the other part, in caſe it ſhould happen the ſaid *H. M.* and his foreſaids to failzie in redemption of the ſame, at the ſaid Term, at leaſt at the Term of *Whitſunday*, even 16—— years, by Payment, (or Conſignation of the ſaids Sums, in caſe of refuſal, in manner above-expreſt,) then and in that caſe, it is expreſly declared, agreed to, and condeſcended upon by the foreſaid Contract, and *per expreſſum* comprehended in the ſaid Reverſion, that the ſame Reverſion, and all power and liberty of Redemption by vertue thereof, ſhould from thence-furth be extinct, void and null, ſicklike, in the ſame manner, and als freely in all reſpects, as if the ſaid Reverſion had never been made, granted or ſubſcribed, but that the ſaids Lands had *ab initio* been irredeemably Diſponed, and that it ſhall be lawful to the ſaid Purſuer and his foreſaids, to Diſpone thereupon, as their own proper Heretage, Heretably and Irredeemably thereafter in all time-coming, as the ſaid Contract of the date foreſaid in it ſelf more fully is contained; and true it is, that the ſaid *H. M.* has failzied in the lawful Redemption of the ſaids Lands, by Payment (or Conſignation of the ſaids Sums,) at the ſaid Term of *Whitſunday* even —— years, as alſo at the ſaid Term of *Whitſunday* even —— years, (being the laſt Term prefix'd for that effect,) where-through the ſaid Defender has incurred the ſaid Clauſe Irritant contained in the ſaid Reverſion, and the ſame Reverſion thereby become extinct, void and null, and the ſaids Lands become Heretably and Irredeemably the Purſuers and his foreſaids, in manner underwritten, and to be uſed and diſpoſed upon by him, and his foreſaids, (as their own proper Heretage,) in all time-coming, in manner after-expreſt, and for that effect it ought and ſhould be found and declared (6) by Decreet of our Lords of Council and Seſſion, that the ſaid *H. M.* has failzied in the lawful Redemption of the ſaids Lands and others above Wodſet, with the Pertinents, by Payment or Conſignation of the ſaid Sum, at either of the ſaids two Terms appointed and prefix'd for that effect, and that there-through he has incurred the foreſaid Clauſe Irritant contained in the ſaid Reverſion, and and that the ſame Reverſion is thereby become now and in all time-coming extinct, void, null and expired, and of no force, ſtrength nor effect, with all that may follow thereupon, ſicklike as if the ſaid Reverſion had never been made, granted, or ſubſcribed; and the ſame being ſua found and declared, it ought and ſhould be alſo found and declared by Decreet foreſaid, that the ſaids Lands and others above Wodſet, with the Pertinents, pertain and belong (now and in all time-coming) to the ſaid Purſuer and his foreſaids, and decerned and ordained to remain and abide with them, as their own proper Heretage; and that it ſhall be leaſume and lawful to them, to ſell and diſpone thereupon, to whatſomever perſon or perſons they pleaſe, Heretably

and

and Irredeemably, but any manner of Reverſion, or hazard of Redemption, by vertue of the foreſaid Contract or Reverſion therein contained, and now become extinct as ſaid is, by whatſomever manner of way, after the Form and Tenor thereof, and Clauſe Irritant therein-contained, Laws and dayly Practique of this our Realm, heretofore inviolably obſerved in the like Caſes in all points, as is alledged. *Our Will is therefore*, &c. Charge the ſaid *H. M.* &c. on twenty one days Warning, and all others, *&c.* to Compear, *&c.* to Anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter, *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared, *(to conclude ut ſupra from this (6) till the Words* as is alledged, *with the former diſtinction betwixt Subſumption and Concluſion, which for brevities cauſe ye are to obſerve hence-furth in all Summonds contracted,)* or elſe, *&c.* with Certification, *&c.* according to Juſtice, as ye will anſwer.

No Bill.

Nota, *Needs no Continuation, ſince the Contract proves what incumbent to the Purſuer.*

Nota, *There be various kinds and natures of Reverſions, and their conditions and qualities thereto Adjected, which are more fair and conſonant with Juſtice and Equity betwixt Man and Man, and at times admit of Declarators alſo; and theſe Reverſions, Conditions and Qualities, are at length ſet down in the improper Wodſet, which ye will find in the fifth Part of the Work, and for which (if neceſſar) ſeek the Index of the ſaid fifth Part, and raiſe Declarator accordingly* mutatis mutandis, *only Narrate the Wodſet, Reverſion, and the Qualities adjected thereto, and Subſume and Conclude genuinely, and thereby a Writer can never err; and be ſure to call therein, not only the Heretor (Granter of the Wodſet) if on Life, and if not, his apparant Heir, (and Tutors and Curators, if Minor,) but alſo all others having or pretending to have Intereſt, in common Form, and needs no Continuation, becauſe the Contract of Wodſet, and Conditions and Qualities therein contained, (which is the Propoſition,) is clear, and the Subſumption will be made appear, by Inſtruments taken in an Nottars Hand, in preſence of famous Witneſſes; and that done, the Concluſion falls in conſequence, and is genuinely derived from both.*

SUMMONDS of Declarator of Non-entry in Feu-Lands *cum maritagio*, holden of a Subject.

CHARLES, *&c. To Our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, Greeting.* Our Will is, *and We Charge you, that ye peremptorly Summond, Warn and Charge* A.B. *eldeſt lawful Son and appearand Heir to the deceaſt* C.D. *of* ——, *laſt immediat Heretable Tennent and Vaſſal to Our right truſty and well-beloved Couſin and familiar Counſellor* J.M. *of* A. *in the Lands and others after-ſpecified, holden by him and his Predeceſſors, of his Lordſhip and his Predeceſſors and Authors in Feu-farm* cum maritagio, *in manner after-mentioned, and* —— *Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, with the Pertinents* —— *and the Tutors and Curators of ſua many of the ſaids Defenders as are Minors, if they any have, for their Intereſts, and all others having or pretending to have Intereſt in the Matter under-written, by open Proclamation at the Mercat-croſs of* ——, *and other places needful, to compear before Our Lords,* &c. *to anſwer at the inſtance of the ſaid* J.M. *of* A. *Superior*

perior of the Lands and others after-ſpecified, viz. (here leave Blank for the Lands, which would be deſigned as in the Charter) *lying within the Parochin of* ——, *and Sheriffdom of* ——, *and of whom and his Predeceſſors the ſame are holden by the ſaid deceaſt* C. D. *and his Predeceſſors Feu* cum maritagio, *as ſaid is, and to whoſe great hurt and prejudice the ſaid* A. B. *his apparant Heir lyes not only out unentred in the ſaids Lands and others foreſaids, but alſo will not ſatisfie and pay to him the Sum of* ——, *uſual Money of this Realm, to which the Marriage of the Heir is liquidat by the original and modern Rights and Infeftments thereof, and thereby the ſaid Purſuer having ſufficient good and undoubted Right and Intereſt to proſecute, follow-furth and purſue the Action of Declarator, Payment, and Poynding of the Ground after-ſpecified, in manner after-mentioned,* that is to ſay, *the ſaids Defenders to hear and ſee it found and declared by Decreet of Our ſaids Lords of Council and Seſſion, that the Lands and others above-ſpecified, pertaining Heretably to the ſaid deceaſt* C. D. *hold of the ſaid Purſuer and his foreſaids Feu* cum maritagio, *and that the ſame have been in his own and Predeceſſors Hands ever ſince the deceaſe of the ſaid* C. D. (*laſt immediat heretable Tennent and Vaſſal to them therein,*) *which was upon the* —— *day of* —— 16 —— *years, and ſua by the ſaid ſpace of* ——, *and as yet remain in the Purſuers Hands by reaſon of Non-entry, and will continue ſo ay and while the lawful Entry of the righteous Heir thereto, and that there-through the haill Mails, Farms,* &c. *and Duties of the ſamine appertain and belong to him during the ſaid ſpace, and that he ought and ſhould be anſwered, obeyed and payed thereof by the ſaid* A. B. *and remanent Defenders, Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, and likewiſe to hear and ſee it found and declared, that the Marriage of the Heir is liquidat by the ſaids Rights and Infeftments, to the Sum of* —— toties quoties contigerit; *and the ſame being ſua found and declared, the ſaids Defenders and Tennents, and Poſſeſſors of the ſaids Lands and others foreſaid, to hear and ſee themſelves not only decerned and ordained by Decreet foreſaid, to make Payment to the ſaid Purſuer, of the ſaid Sum of* —— *Money foreſaid, for the Marriage of the ſaid* A. B. *apparant Heir foreſaid, but alſo to hear and ſee themſelves decerned and ordained to make Payment to the ſaid Purſuer of the ſaids Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids yearly ſince the deceaſe of the ſaid* C. D. *which was at the time above-ſpecified, and ſo by the ſpace foreſaid, extending to the particular Quantities, Avails & Prices after-ſpecified, ilk ane of them for their own Parts, as is after-divided,* viz. (leave Blank for half a Sheet) *and ſicklike to make Payment to him of the like Duties yearly and termly in time-coming, ay and while the lawful Entry of the righteous Heir thereto, and during the ſaids Tennents their Poſſeſſion, and for the ſaid Purſuer his better and more ſure Payment, to hear and ſee Our others Letters decerned and ordained by Decreet of Our ſaids Lords, to be directed to Meſſengers at Arms, conjunctly and ſeverally, charging them to paſs, and in Our Name and Authority, ſearch, ſeek, fence, arreſt, appryſe, compell, poynd and diſtrinzie the readieſt Movable Goods and Gear, being or that ſhall happen to be upon the Ground of the ſaids Lands and others foreſaids, with the Pertinents, to the Avail and Quantities of the ſaids Mails and Duties, and that yearly, the years of God particularly above-mentioned, and in time-coming during the ſpace above-expreſt, and alſo to the Avail and Quantity of the ſaid Marriage, or Price thereof above-ſpecified, and make the ſaid Purſuer compleatly payed thereof, and failzieing of Movable-Goods and Gear poyndable and diſtrinzieable, to Appryſe or Adjudge all and ſundry the Ground-Right and Property of the ſaids Lands and others foreſaids, for Payment and Satisfaction to him thereof, conform to the Laws and dayly Practique of this Our Realm, uſed and obſerved in the like Caſes in all Points, or elſe to alledge an reaſonable Cauſe,* &c. *with Certification,* (as in the

the former Declarator of this nature,) *And becauſe the Rent muſt be proven and liquidat, to inſert a ſecond Dyet, and conclude with, according to Juſtice, as ye will Anſwer.*

Nota, 1. This Summonds needs no Bill, the King not being concerned, and ſo no concourſe of his Advocat requiſite. 2. *Obſerve*, That were it not for the Marriage, and to oblige the Vaſſal to Enter, there was no neceſſity for this Summonds; for the Feu-duty is ſtill the Retoured-duty in all Feus, and if that be payed, the Superiors Loſs is only the Duplication, or what elſe Provided at the Entry by the Vaſſals Charter and Infeftment; and if the Feu-duty be reſting, the Superior may either Purſue Reduction on the Clauſe Irritant in the Feu-Infeftment (if any be,) and if not, upon the Act of Parliament. 3. But ſometimes the Marriage is not Taxed, in which Caſe if a Liquidation be craved before the Lords, the Vaſſal may alledge, that he holds Land Ward of the King, and who being preferable in Law, he cannot be lyable to two Marriages; and upon the other Hand, the Superior may contend, that thir Lands held Feu of him and his Predeceſſors for many years *cum maritagio*, and the Lands being given out in theſe Terms long before ever he or his Predeceſſors acquired Lands holden of the King: This ſubſequent Acquiſition cannot Prejudge the Purſuers *pactum conventum*, and beſides, the Marriage now craved extends no further than *quo ad* the Fortune holden Feu, whereas the Marriage due to the King, as it is the nature of the Holding of Ward-Lands, ſo its Value is to be liquidat and extended as to all the Fortune he hath, and the firſt is Taxative, and the laſt Abſolute and Univerſal. But for theſe Queſtions they belong to Lawers, and no Doubt decided by the Lords, albeit the Superior can acclaim nothing during the paſt Non-entry but the Feu-duty, yet after Citation he Claims the Rents.

SUMMONDS of Declarator upon an Gift of Recognition.

CHARLES, &c. To Our Sheriffs in that part, and Meſſengers *reſpectivè*, conjunctly and ſeverally, ſpecially Conſtitute, Greeting; Forſuameikle, as it is humbly mean'd and ſhowen to us by *J. M.* of ——, Donator after-ſpecified, and *S. G. M.* of *R.* our Advocat for Our Intereſt, in the Matter under-written; That where We with Conſent of the Lords Commiſſioners of our Theſaury and Exchequer, by ane Gift of Recognition, under Our Great-Seal of this Our antient Kingdom of *Scotland*, of the date at *White-hall* the —— day of —— 16— years, for the Cauſes and upon the Conſiderations therein-ſpecified, Gave, Granted and Diſponed, and for Us and Our Royal Succeſſors perpetually Confirmed to the ſaid *J. M.* Purſuer, and to his Heirs therein-ſpecified, and his Aſſigneys Heretably, all and haill (*here take in the Lands as they are ſet down in the Gift, and then ſay*) whilks Lands and others above-diſponed, with the Pertinents, pertained Heretably of before to *S. W. S.* of ——, holden by him immediatly of Us and Our Royal Succeſſors, by Service of Ward and Releif, and the time of the ſaid Gift appertained and belonged to Us, and fell and became in Our Hands, and at our Royal Gift and Diſpoſition, as Superior and Over-Lord, by reaſon of Recognition, Laws and Practique of this Our Realm, and inherent Priviledge of Our Crown, by and through the ſaid *S. W. S.* his Wodſetting and Impignorating the ſame, or

by Selling and Diſponing thereof Irredeemably, or by granting Rights of Annualrents, or other Rights furth thereof, or at leaſt out of ſome Portions of the ſame to ſeveral perſons, and whereupon baſe Infeftments followed, (and in all, exceeding and ſurmounting the *major pars* of the ſaids Lands,) without our conſent and confirmation had and obtained thereto, and ſo quite contrair and meerly repugnant to the nature of the ſaid Holding, and conſequently now appertain and belong to the ſaid *J. M.* Purſuer, as Donator foreſaid, and his above-ſpecified, to be uſed and diſpoſed upon by them as their own proper Lands and Heretages at their pleaſure in time-coming, as the ſaid Gift of Recognition expede the Great-Seal as ſaid is, together with the Inſtrument of Seaſin following thereupon, dated the---day of---thereafter, under the Sign and Subſcription of —— Nottar Publick, and duely Regiſtrat, conform to the Act of Parliament, in themſelves more fully proport; and therefore it ought and ſhould be found and declared by *D*ecreet of our Lords of Council and Seſſion, that the ſaids Lands and others above-diſponed, with the Pertinents, were holden by the ſaid S. *W. S.* Defender of Us as *S*uperior, by *S*ervice of Ward and Releif as ſaid is, and that the ſame (at the time of the ſaid Gift) pertained and belonged to Us as Superior, fell and became in Our Hands, and at Our Royal Gift and Diſpoſition, by reaſon foreſaid, and upon the account above-ſpecified, and conſequently that the ſame now appertain and belong to the ſaid Purſuer as Donator foreſaid, and his above-ſpecified, to be uſed and diſpoſed upon by them, as their own proper Lands and Heretages, at their pleaſure in time-coming, conform to the ſaid Letter of Gift, Laws and dayly Practique of this Our Realm, heretofore inviolably obſerved in the like Caſes in all Points, as is alledged. *Our Will is herefore*, and We Charge you, that ye peremptorly *S*ummond, Warn and Charge the ſaid S. *W. S.* of —— Defender, perſonally, or at his dwelling-place, on twenty one days Warning, and all others having or pretending to have Intereſt in the ſaid *M*atter, by open Proclamation at the *M*ercat-croſs of ——, and other places needful, to Compear, *&c.* to Anſwer at the inſtance of the ſaid *P*urſuer, as Donator foreſaid, as alſo at the inſtance of Our ſaid Advocat for Our Intereſt, and with whoſe Concourſe the ſaid Purſuer has ſufficient, good and undoubted Right and Intereſt to proſecute, follow-furth and purſue the Action of Declarator after-mentioned of the ſaid Recognition, in manner after-expreſt, *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of Our ſaids Lords, that the ſaids Lands and others above-diſponed, with the *P*ertinents, pertained Heretablie of before to the ſaid S. *W. S.* and were holden by him of Us as Superior, by Service of Ward and Releif, in manner foreſaid, and that the ſame (the time of the ſaid Gift) pertained and belonged to Us, and fell and became in Our Hands, and at Our Royal Gift and Diſpoſition, by reaſon of Recognition, Laws and *P*ractique of this Our Realm, and inherent Priviledge of Our Crown, by and through the ſaids Defender his Wodſetting and Impignorating the ſame, or *S*elling and Diſponing thereupon irredeemably, or by granting Rights of Annualrent, or other Rights furth thereof, or at leaſt out of ſome *P*ortions of the ſame to ſeveral perſons, and whereupon baſe Infeftments followed, and in all exceeding and ſurmounting the *major pars* of the ſaids Lands and others foreſaids, and that without Our Conſent and Confirmation, quite contrair and repugnant to the nature of the ſaid Holding; and that conſequently the ſame Lands and others foreſaids, now appertain and belong to the ſaid *J. M.* Purſuer, as *D*onator foreſaid, and his above-ſpecified, to be uſed and diſponed upon by them as their own proper Lands and Heretage at their pleaſure in time-coming, after the form and tenor of the ſaid Gift and Seaſin following thereupon, Laws and Practique of this Our Realm in all points, or elſe to alledge an reaſonable Cauſe why

the

the ſame ſhould not be done; with Certification to the ſaids Defenders if they failzie, Our Lords of Council and Seſſion will proceed in the ſaid Matter, and find and declare in manner foreſaid, according to Juſtice, to be Tabulat in our Table, and Called by the Order and Priviledge thereof, conform to Our ſaids Lords their dayly Practique and Order uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will Anſwer to Us thereupon.

Ex Deliberatione Dominorum Concilii.

Nota 1. *The Date of the Bill muſt be the Date of the Summonds,* Secundo, *Since there muſt be a* major pars *proven (notwithſtanding of Seaſins produced) by the Purſuer, and which the Seaſins cannot prove; I think this Summonds ſhould contain a ſecond Dyet, that if the Defender upon Oath acknowledge the Rental, and comparing it with the Rights granted, the* major pars *may be clear, then it makes ſhort Proceſs, but it is all one, ſeing Creditors for the moſt part compear, and witnes fair play, and perpend the grounds, and not only object, but the Lords grant a conjunct Probation as to the Rental (even where there is no Donator, but the Recognition purſued at the Kings Advocats Inſtance meerly, and for the Kings uſe) as was done in the Recognition of* Cromarty, *wherein the Lords ſhew much Juſtice and Candor, without the leaſt ſhadow of partiality.* Tertio, *I was adviſed once to conclude in the ſame Summonds; Exhibition of the Writs againſt the Heretors, and payment of the Duties againſt the Tennents, who in that caſe were to be conveened als well as the Heretor, but I judged it extream, and too ſummar Proceſs, albeit I did ſee no Incongruity in it, no more than to purſue an Exhibition of a Bond, and being exhibit, to adject a concluſion of payment, and ſo I forbear it following the ordinary Stile.*

SUMMONDS of Declarator of Baſtardie as to a Gift of Moveables

CHARLES, —— to our Sheriffs in that part, conjunctly and ſeverally, ſpecially Conſtitute, Greeting: Forſuameikle as it is humbly meaned and ſhown to us by *A. B.* of —— Donator after-ſpecified, and *S. G. M.* of ——our Advocat for our Intereſt in the matter under-written, that where we with conſent of the Lords of our Theſaury and Exchequer of our ancient Kingdom of *Scotland*, by our Letter of Gift under our Privy Seal of the ſaid Kingdom, of the Date the —— day of —— 16 —— years, Gave, Granted and Diſponed to the ſaid *A.* B. Purſuer, his Heirs and Aſſigneys, the Eſcheat of all Goods, Gear, *(here take in the Words of the diſpoſitive Clauſe of the Gift, till ye come to* With full Power, *and then ſay)* as the ſaid Letter of Gift, of the date foreſaid in it ſelf more fully proports, and therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that the (6) foreſaids Goods, Gear, Debts, Sums of Money, and others after-ſpecified, which Pertained of before to the ſaid deceaſt ——, pertained and belonged to us the time of the ſaid Gift, and that the ſame fell and became in our Hands, and at our Royal Gift and Diſpoſition, by reaſon of *Baſtardy*, Laws and Practique of this Realm, and inherent Priviledge of our Crown, by and through the ſaid deceaſt —— his being born Baſtard, and deceaſing Baſtard, without Heirs lawfully begotten of his own Body, or lawful Diſpoſition made by him thereof, at any time in his lifetime, and conſequently that the ſame now appertains and belongs to the ſaid Purſuer, as our Donator, and

his foreſaids, and that they ought and ſhould be anſwered, obeyed and payed thereof, conform to the ſaid Letter of Gift, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all points, as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn and Charge —— (*It is fit to Cite the perſon who might have ſucceeded as neareſt of Kin, had he been lawfully begot and not Baſtard*) perſonally or at his dwelling place, on twenty one days warning, and all others having or pretending to have Intereſt in the ſaid matter, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaid *A.B.* Donator foreſaid, and alſo at the Inſtance of our ſaid Advocat for our Intereſt, and with whoſe Concourſe, our ſaid Donator has ſufficient, good and undoubted Right and Intereſt to proſecute, follow furth and purſue the Action of Declarator after-ſpecified, in manner after-mentioned, *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the (*here take in from the* (6) *Figure till ye come to as is alledged, and then ſay*) or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords will proceed in the ſaid matter, and find and declare in manner foreſaid, according to Juſtice, to be Tabulat in our Table, and called by the Order and Priviledge thereof, conform to our ſaids Lords their dayly Practique, and Order uſed and obſerved in the like caſes, and their Deliverance granted thereanent, as ye will anſwer ——

Ex Deliberatione Dominorum Concilii.

Nota, *If a ſpecial Declarator be requiſite, the Gift and Decreet of general Declarator muſt be narrated (as that of an Eſcheat) and then a Subſumption and a Concluſion of Payment againſt the Debitors* ——

SUMMONDS of Declarator of Baſtardy as to Heretage.

CHARLES, —— to our Sheriffs in that part, conjunctly & ſeverally, *&c.* meant and ſhown to us by *A.B.* of —— Donator after-ſpecified, and S.*G. M.* of —— our Advocat for our Intereſt in the matter under-written, that where we with conſent of the Lords of our Theſaury and Exchequer, by our Gift under our Great Seal of our ancient Kingdom of *Scotland*, of the date at *Windſor-Caſtle* the —— day of —— 16 —— years, gave, granted and diſponed, and for us and our Royal Succeſſors perpetually, confirmed to the ſaid *A.B.* Purſuer, and to his Heirs and Aſſigneys therein-ſpecified heretably, all and haill, (*here take in the Lands as they are nominat, deſigned and bounded in the Gift, and then ſay*) and which Lands and others above-diſponed, with the Pertinents pertained heretablie of before to the deceaſt ——, and the time of the ſaid Gift pertained heretablie to us, and fell and became in our hands, and at our Royal Gift and Diſpoſition, by reaſon of Baſtardy, Laws and Practique of this our Realm, and inherent Priviledge of our Crown, through the ſaid deceaſt —— his being born Baſtard, and deceaſing Baſtard, without Heirs lawfully begotten of his own Body, or lawful *Diſpoſition* made by him thereof to any perſon or perſons at any time in his *Lifetime*, to be holden the ſaids Lands and others foreſaids, to the ſaid Purſuer and his foreſaids, of Us and our Royal *Succeſſors* in Fee and Heretage for ever, with the *Priviledge* and for payment of the Dutie therein expreſt, as the ſaid Gift exped the Great Seal, as ſaid is, containing Precept of Seaſin, together with the Inſtrument

Inſtrument of Seaſin following thereupon, under the Sign and Subſcription of —— Nottar publick, and duely regiſtrat conform to the Act of Parliament, in themſelves more fully is contained, and therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that (6) the Lands and others above-ſpecified, with the Pertinents pertained heretably of before to the ſaid deceaſt ——, and that the time of the ſaid Gift, the ſame pertained and belonged to us, and fell and became in our Hands, and at our Royal Gift and Diſpoſition by reaſon of Baſtardy, Laws and Practique of this our Realm, and inherent Priviledge of our Crown, by and through the ſaid deceaſt —— his being born Baſtard, deceaſing Baſtard without Heirs lawfully begotten of his own Body, or Diſpoſition lawfully made by him thereof, to any perſon or perſons at any time in his Lifetime, at leaſt in his *Leige pouſte*, and conſequently, that ever ſince the ſaid Gift and in time-coming, the ſame appertains to our ſaid Donator and his foreſaids, to be uſed and diſponed upon by them, as their own proper Lands and Heretages, at their Pleaſure in all time hereafter, after the Form and Tenor of the ſaid Gift, expede the great Seal as ſaid is, Inſtrument of Seaſin following thereupon, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all Points, as is alledged. *Our Will is herefore*, and we Charge you, that ye peremptorly Summond, Warn and Charge (*here Cite the neareſt perſon who might ſucceed in Law to the Baſtard, had he been lawfully begot in Wedlock, and then ſay*) perſonally, or at his Dwelling place on twenty one days warning, and all others having or pretending to have Intereſt in the ſaid Matter, by open Proclamation at the Mercat-Croſs of —— and other places needful, to compear, *&c.* to anſwer at the Inſtance of the ſaid *A.B.* our Donator, and alſo at the Inſtance of the ſaid *S.G.M.* our Advocat for our Intereſt, and with whoſe concourſe our ſaid Donator has ſufficient, good and indoubted Right and Intereſt to proſecute, follow-furth and purſue the Action of Declarator after-ſpecified, in manner after-mentioned, *That is to ſay*, the ſaids Defenders to hear and ſee it found and Declared by Decreet of our ſaids Lords, that (*here take in from this Figure of* (6) *in the Subſumption, till ye come to* as is alledged, *and then ſay*) or elſe to alledge an reaſonable cauſe, *&c.* conclude as in the former Summonds *uſque ad finem.*

Ex Deliberatione Dominorum Concilii.

Nota, *Becauſe I found this Summonds upon a Gift under the Great Seal, it will not be impertinent to guard you againſt a vulgar (but ancient) Error*, viz. *as it is beyond queſtion, that when Lands thus fallen, and holding Ward, Blench or Feu of the King muſt paſs the great Seal, ſo ſhould in my opinion, Tenements and others within Burgh (holden Burgage* de Domino Rege*) and not by Preſentation under the Quarter Seal, as of late has been uſed, and by ſome yet uſed, direct to the Magiſtrats of Burgh; for I reaſon the Point thus, that all Property holding of the King muſt neceſſarly be conveyed under the Great Seal, and that this of Burgage holds of the King (and not of the Magiſtrats who are but his Baillies and Officials, as Repreſentatives of the Royal Authority within Burgh cannot be denyed; and in the Gift under the Great Seal, the Precept as to that of the Burgage, may be direct to the Magiſtrats, whereas there is a great Diſtinction betwixt the Conveyance in caſe of Baſtardy, or* ultimus Hæres *of Lands holding Burgage of the King, and Lands holding* Feu *of the Town, for that which holds of the Town, becauſe the King can be Vaſſal to no Subject, he gifts the ſame to a perſon, and preſents him in Vaſſal, and heretable Tennent to the Magiſtrats of*

whom the Lands hold (even as if they held of any other Lord or Baron) and this indeed ſhould paſs under the Quarter Seal, becauſe they are Superiors, ſo that it ſeems the former Error flowed from this Miſtake, that Burgage as well as Lands holden of the Town run in one Channel, but that the contrair now appears by what has been ſaid, is clear.

SUMMONDS of Declarator of a Gift of *Ultimus Hæres*.

CHARLES, *&c. To our Sheriffs in that part, conjunctly and ſeverally*, &c. *meant and ſhown to us by* A. B. *of* —— *Donator after-ſpecified, and* S.G. M. *of* —— *our Advocat for our Intereſt in the Matter under-written; that where we with Conſent of our Lord high Theſaurer of our ancient Kingdom of* Scotland, *Lord Theſaurer-Deput, and remanent Lords of our Exchequer of the ſaid Kingdom, our Commiſſioners by our Gift under our Great Seal of the ſaid Kingdom, of the Date at* Hampton-Court *the* —— *day of* —— 16 —— *years, gave, granted and diſponed, and for us and our Royal Succeſſors, perpetually confirmed to the ſaid* A. B *Purſuer, and to his Heirs and Aſſigneys whatſoever heretably, all and haill* (here take in the Lands as they are Denominat, Deſigned, and Bounded in the Gift, and then ſay,) *Whilks Lands and others above-ſpecified, with the Pertinents pertained heretably of before to the deceaſt* —— *, and the time of the ſaid Gift pertained and belonged to us, and fell and became in our hands, and at our Royal Gift and Diſpoſition, by reaſon of* ultimus Hæres, *Laws and Practique of this our Realm, and inherent Priviledge of our Crown, by and through his Deceaſe without Heirs lawfully begotten of his own Body, or of any other perſon within the Tenth Degree in Blood, who by Law might ſucceed to him therein, to be holden, and for to hold the ſaids Lands and others foreſaids to the ſaid* A. B. *and his foreſaids, of us and our Royal Succeſſors, as Superiors in Fee and Heretage for ever, with the Privileges, and for payment of the yearly Duty ſpecified in the ſaid Gift, as the ſame of the date foreſaid* (containing Precept of Seaſin, *and expede the Great Seal as ſaid is, together with the Inſtrument of Seaſin following thereupon the* —— *day of* —— *thereafter, under the Sign and Subſcription of* —— *Nottar publick, and duely regiſtrat conform to the Act of Parliament, in themſelves more fully proport, and therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that* (6) *the ſaids Lands and others above-ſpecified, with the Pertinents pertained heretablie of before to the ſaid deceaſt* —— *and that the ſame the time of the ſaid Gift pertained and belonged to us, and fell and became in our hands, and at our Royal Gift and Diſpoſition, by reaſon of* ultimus Hæres, *Laws and daily Practique of this our Realm, and inherent Priviledge of our Crown, by and through the ſaid* —— *his deceaſe without Heirs lawfully begotten of his own Body, or of any other perſon within the tenth Degree in Blood, who by Law might have ſucceeded to him therein, and conſequently now appertain and belong to our ſaid Donator, and his foreſaids heretablie, to be uſed and diſponed upon by them, as their own proper Lands and Heretage, at their pleaſure in all time coming; after the Form and Tenor of the ſaid Gift, Seaſin following thereupon, Laws and daily Practique of this our Realm, uſed and obſerved in the like Caſes in all Points, as is alledged.* Our Will is herefore, *and We charge you, that ye peremptorly Summond, Warn, and Charge* (here leave Blank for a Line to cite any perſon of the Name *pro more*, and then ſay) *perſonally, or at their Dwelling-places on twenty one days warning, and all others having or pretending to have Intereſt in the ſaid matter, by open Proclamation*, &c. *to Compear*, &c, *to anſwer at the Inſtance of the ſaid* A.B. *as Donator foreſaid, and als at the Inſtance of our ſaid Advocat for our Intereſt, and with whoſe Concourſe our ſaid Donator has ſufficient good and indoubted*

indoubted right and intereſt to proſecute, follow-furth and purſue the Action of Declarator after-ſpecified, in manner after-mentioned; that is to ſay, *the ſaids Defenders to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that* (here take in from this (6) Figure in the Subſumption, until ye come to *as is alledged*, and then ſay) *or elſe to alledge ane reaſonable cauſe why the ſame ſhould not be done*; *with Certification*, &c. To conclude as in the former Summonds *uſque ad finem.*

Ex Deliberatione Dominorum Concilii.

Nota, If there be an Movable Eſtate and Heretable Bonds whereupon no Infeftment followed, it paſſes only the Privy-Seal.

SUMMONDS of Diſclamation at the Kings Advocats Inſtance for His Majeſties Uſe.

CHARLES, &c. Our Sheriffs in that part, and Meſſengers *reſpectivè*, &c. Mean'd and ſhowen to Us by S. *J. N.* of *D.* Our Advocat for Our Intereſt, in the Matter under-written; That where by the *Laws* and Practique of this Realm, where any Vaſſal diſclaims his Superior and Over-Lord, and becomes Vaſſal to any other perſon, not the true and lawful Superior, (and ſpecially by Reſignation, or Service and Retour, and Infeftment following thereupon, which are voluntar and fraudulent, not ignorant acts,) all the Lands and others ſo taken and holden of the wrong Superior, returns and reverts to the firſt and lawful Superior, and the Vaſſal ſo diſclaiming amits and tynes the benefit thereof; and true it is, that *C. D.* of——, and his Predeceſſors and Authors held the Lands and others after-ſpecified, of Us and Our moſt Royal Progenitors, in manner and for payment of the Duties after-mentioned, *viz.* (*here ſet down the Lands and manner of Holding, and Duty payable*) conform to the antient Rights and Infeftments thereof, and that We and Our foreſaids, or either of Us has been in Poſſeſſion of the Superiority thereof, by receiving Reſignations, granting Infeftments thereon, Confirmations, and Precepts on Retours, and the like, and by exacting and receiving by Our Theſaurer, Chamberlains, and Donators, of the Duties and Caſualities ariſing thereby, paſt Preſcription, yea all Memory of Man, and which alſo clearly appears, and is made manifeſt and apparant, not only by the Books & Rolls of Our Exchequer, but alſo from the Seals and other publick Regiſters, ſo that in Law We could not be deprived of Our juſt Right, without a Deed flowing from Our Selves; and yet notwithſtanding thereof, the ſaid *C. D.* has diſclaimed Us as his immediat lawful Superior, in ſua far as he has of late taken the ſaids Lands and others foreſaids, holden of *J. M.* of——, as his immediat Superior, either by Reſignation, or by Precept under the Quarter-Seal proceeding upon his Retour as Heir in ſpecial to the deceaſt——his Father, or other his Predeceſſor, or ſome other manner of way, quite contrair and meerly repugnant to the ſaid antient Rights and Infeftments, and thereby committed Ingratitude, where-through and by the ſaids Laws and conſtant Practique of this Kingdom, he has amitted and tint the Property thereof, and the ſame reverts and returns to Us and Our Royal Succeſſors in Property, and are conſolidat with the Superiority, to remain & abide with us in all time-coming *ad perpetuam remanentiam*, (8) and therefore it ought and ſhould be found and declared by Decreet of Our Lords of Council and Seſſion, that (6) the ſaids Lands and others above-ſpecified,

were holden by the ſaid *C. D.* and his Predeceſſors and Authors, of Us and Our foreſaids, the way and manner above-ſpecified, conform to the antient Rights and Infeftments thereof, and that We and Our moſt noble Progenitors, or either of Us, have been in Poſſeſſion of the Superiority thereof, by the Deeds above-mentioned, and for the ſpace above-rehearſed, and which alſo clearly appears, and is made manifeſt and apparent, not only by the Books and Rolls of Our Exchequer, but alſo from the Seals and other publick Regiſters, ſo that in Law We could not be deprived of Our juſt Right, without a Deed flowing from Our Selves; and that notwithſtanding thereof, the ſaid *C. D.* has diſclaimed Us for his immediat lawful Superior, by doing the Deeds above-mentioned, quite contarir and meerly repugnant to the ſaids antient Rights and Infeftments, and committed manifeſt Ingratitude againſt Us, and that there-through, by the ſaids Laws and conſtant Practique of this Kingdom, he has amitted and tint the benefit thereof, & the ſaids Lands and others foreſaids revert and return to Us and Our Royal Succeſſors in Property, and are conſolidat with the Superiority, to remain and abide with Us in all time-coming *ad perpetuam remanentiam*, (9) after the form and tenor of the ſaids Laws and daily Practique of this Our Realm, uſed and obſerved in the like Caſes in all points, as is alledged. *Our Will is herefore*, and We Charge you, that ye peremptorly Summond, Warn and Charge the ſaid *C. D.* Heretor of the ſaids Lands and others foreſaids, and the ſaid *J. N.* pretended Superior of the ſame, perſonally, or at their dwelling-places, on twenty one days Warning, and all other having or pretending to have Intereſt in the ſaid Mater, by open Proclamation, *&c.* to compear, *&c.* to anſwer at the inſtance of Our ſaid truſty Counſellor S. *J. N.* Our Advocat for Our Intereſt, and thereby having for Our uſe and behoof ſufficient, good and undoubted right and intereſt to proſecute the Action of Declarator and Diſclamation after-ſpecified, in manner after-mentioned; *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of Our ſaids Lords of Council and Seſſion, that (*here take in from this* (6) *Figure in the Subſumption till ye come to* as is alledged, *and then ſay*) or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done; with Certification to them if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and find, decern, and declare in manner-foreſaid, according to Juſtce, to be Tabulat in Our Table, and called by the order and priviledge thereof, conform to the ſaids Laws and dayly Practique and order uſed and obſerved in the like Caſes, and the ſaids Lords their Deliverance granted thereanent, as ye will Anſwer,

Ex Deliberatione Dominorum Concilii.

Nota, *The Date of the Bill muſt be the date of the Summonds, and the Lord Advocat ſubſcribing the ſame, being Complainer, is ſufficient.* 2. *There be ſeveral other ſorts of Diſclamations, as ye will find in* De ſignificatione Verborum, *Letter* D, *which I ommit, as not being uſual.* 3. *I have ſeen a Summonds of this Nature, in Sir* Thomas Hopes *time, wherein the Lord High Theſaurer and Theſaurer Deput, als well as the Kings Advocat were Purſuers, but in that Caſe the Duties were purſued for, and the Tennents conveened, which in this Caſe is not; and ſhould the other Caſe occur, may likewiſe be made Purſuers, all being for the Kings Intereſt; and in that Caſe, Payment muſt be ſubſumed, and concluded to the Theſaurer and Theſaurer Deput, and His Majeſties Collectors and Under-Receivers for the Kings uſe, ſince the Diſclamation, which as to the time would be particulaaly libelled; and in time-coming thus, after Figure* (8) by vertue whereof We have good and undoubted

Right

Right, in and to the hail Mails, *&c. of the ſaids Lands & others foreſaids, of the Cropts and year of God* 16—— *years*, (*being the firſt Cropt wherein the ſaid Diſclamation was committed*) *and yearly ſenſyne, and in all time coming*; *And We and our Lord Theſaurer, and Theſaurer-Deput, Collectors, and Under-receivers in our Name, ought and ſhould be anſwered, obeyed and payed thereof*; *And true it is, that the perſons* reſpective *after-named, Tennents and Poſſeſſors of the ſaids Lands, and others foreſaids, are addebted and reſtand, owing, the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof after-ſpecified yearly, the Cropts and years of God after-mentioned, of the Avails, Quantities Eſtimations and Prices under-written, ilk ane of them for their own parts, as is particularly after-divided*, viz, (leave blank for half a ſheet, and then ſay) *at leaſt the ſaid* A. B. *has uplifted and received the ſame frae them, and granted Diſcharge thereupon*; *And albeit it be of verity, that our ſaid Theſaurer and Theſaurer-Deput, Collectors and Under-Receivers in our Name, have oft and divers times deſired, and required the ſaids Tennents and Poſſeſſors to have made payment to them of the ſaids Mails, &c. yearly, the years of God above-ſpecified, or of the Avails, Eſtimations and Prices thereof above mentioned, ilk an of them for their own parts as ſaid is, at leaſt the ſaid* A. B. *who has uplifted and received the ſame frae them, and granted Diſcharge in manner foreſaid, to have made payment to them thereof, and likewiſe deſired and required the ſaids Tennents and Poſſeſſors to have made payment to him of the like Duties and Cuſtoms in time coming*: *Nevertheleſs, &c. and therefore it ought and ſhould be found and declared* ut ſupra *in the Subſumption, till ye come to this* (9) *Figure*, and then ſay, *and the ſame being ſua found and declared, the forenamed Perſons, Tennents and Poſſeſſors of the ſaids Lands, and others foreſaids, ought and ſhould be decerned by Decreet foreſaid, to make payment to our ſaid Theſaurer, and Theſaurer-Deput, Collectors and Under-Receivers for our uſe of the Mails, Farms, &c, of the Lands and others foreſaids yearly, the years of God above-written, or of the Avails, Eſtimations and Prices of the ſame above-rehearſed, ilk ane of them for their own parts as ſaid is, at leaſt the ſaid* A. B. *as he who uplifted and diſcharged the ſame in manner foreſaid, ought and ſhould be decerned to make payment to them thereof, and in like manner, the ſaids Tennents and Poſſeſſors ought and ſhould be decerned to make payment to them of the like Duties and Caſualities, yearly in time coming during their Poſſeſſion, conform to the Laws and dayly Practique of of this our Realm, in the like caſes, in all Points as is alledged.* Our Will is ut ſupra,, and conclude accordingly, only conveen the Tennents, and put in a ſecond Dyet, becauſe the Duty muſt be liquidat and proven, and the Maſters uplifting and diſcharging muſt be proven by the Diſcharges, which the Tennents will produce to exoner themſelves.

SUMMONDS of Purpriſon at a Superiors Inſtance, who is a Subject, againſt his Vaſſal.

CHARLES, &c. Our Sheriffs in that part, and Meſſengers *reſpectivè*, &c. Mean'd and ſhowen to Us by *J. M.* of A. Superior of the Lands, and others after-ſpecified; That where *A. B.* of —— holds the Lands and others after-mentioned *viz.* (*leave blank for a quarter of a ſheet*) of the

Purſuer, as his immediat lawful Superior, conform to the Rights and Infeftments granted by the Purſuer or his Predeceſſors, and Authors to him thereupon, Likeas by the Laws and Practique of this our Realm, when any Vaſſal occupyes and uſurps any Lands againſt his Over-Lord and Superior, and give the Vaſſal is convict, and found to have done wrong, he tynes perpetually all the Lands whilk he holds of the *Superior*; And true it is, the ſaid Defender having his ſaids Lands adjacent and contiguous to the Purſuers Lands of ——, and whereof he and his Predeceſſors by themſelves and their Tennents, have been in peaceable and immemorial Poſſeſſion, till the *Month* of —— 16 —— years, that the ſaid Defender at his own hand, and without any Order of Law, has uſurped that part of the Purſuers Lands, (*here deſign the Lands uſurped*) then poſſeſſed by —— the Purſuers Tennents, extending in yearly Duty to ——, and occupyes and poſſeſſes the ſame himſelf ever ſince, now by the ſpace of ——, and extending in yearly Rent to —— Where-through, conform to the ſaids Laws and Practique of this Realm, he tynes and amits all the Lands above-ſpecified, holden by him of the *Purſuer*, in manner foreſaid, and ought and ſhould be ſua declared and the Property conſolidat with the *Superiority* in the *Purſuers* perſon, and remain with him, his Heirs-Male and *Succeſſors*, in all time coming, *ad perpetuam remanentiam*, beſides the reſtoring of what injuſtly uſurped, with the Duties and Profits thereof, in manner under-written, as is alledged. *Our Will is herefore*, and we charge you, that ye perempterly *Summond*, Warn and Charge the ſaid *A. B.* Defender —— on twenty one days warning, and all others having or pretending to have Intereſt in the ſaid matter, *&c.* to compear before our Lords of Council & Seſſion, *&c.* to anſwer at the inſtance of the ſaid *Purſuer* in the ſaid matter: *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the ſaid Defender holds the Lands above-ſpecified of the Purſuer, as his immediat lawful Superior, and that the time above-mentioned, the Defender notwithſtanding uſurped the ſaids Lands of —— and Labours and *Manures* the ſame ever ſince, without any Order of Law and Juſtice, and that the ſaids Lands ſua uſurped, extend in yearly Rent to ——, as ſaid is, and the ſame being ſua found and declared, to hear and ſee it likeways not only found and declared, that the ſaid Defender has thereby amitted and tint perpetually, all the Lands and others above-written holden by him of the Purſuer, by reaſon of Purpriſion, and to hear and ſee the Right of Property thereof declared and conſolidat, with the Superiority, in the Purſuers perſon, and Decerned and Ordained to remain and abide with him and his foreſaids, as their own proper Heretage, in all time coming, *ad perpetuam remanentiam*; but alſo to reſtore and repone the Purſuer in his own Right and Poſſeſſion of the ſaids *Lands* and others foreſaids, wrongouſly uſurped from him by the Defender as ſaid is, and to make payment to the Purſuer of the ſaid yearly Duty, which the ſame is worth, and did yield to him before the ſaid Uſurpation, and ſicklike of the like duty yearly in time coming, during the ſaid non Re-poſſeſſion, conform to the Laws and daily Practique of this Realm, uſed and obſerved in the like caſes, in all Points, or elſe to alledge a reaſonable Cauſe, *&c.* With Certificatian to the ſaids Defenders if they failzie, our ſaids Lords of Council and *Seſſion* will proceed in the ſaid matter, and find, decern and declare in manner foreſaid: *Inſert the ſecond Dyet, and then conclude with* according to Juſtice, as ye will anſwer ——

Nota, *There be divers ſorts of Purpriſion, ſome thereof are to be purſued before the Juſtice, and by an condign Aſſize Judged where the King is concerned, others allowed to be purſued in the Superiors own Court, being a Subject, and others (as betwixt Neighbour and Neighbour, either for Lands, or as to Marches, whilk now reſolves in a Moleſtation) and may*

be

be purſued before the Sheriff by way of Cognition, as to which Clerks to the Signet write Letters upon the Act of Parliament direct to the Sheriff and his Deputs, which Letters ye will find amongſt the other Letters that paſs the Signet in their proper place, ſome Writers make them by way of ſimple Horning, but theſe being too ſummar againſt a man in Office, I ever writ them, but with Certification other Letters would be direct, charging them thereto ſimpliciter, *and is ſufficient for ſeldom or never, but the Sheriff gives Obedience, except he or Deput be in propinquity of Blood to the Defender; In which caſe, and upon a Repreſentation and evidence thereof to the Lords, they will grant Letters upon Bill to an other indifferent Perſon, as Sheriff in that part, but to inſiſt no more on this (being a Point belonging to Lawers to ſcance on) I remit you to my Lord* Stairs *Writings, and* de ſignificatione Verborum, *which are very full on the matter.*

SUMMONDS of Declarator of a Truſt of a Diſpoſition of Lands, including a Denuding.

CHARLES, —— *To our Lovits* —— *Our Sheriffs in that part, and Meſſengers* reſpective, &c. *Mean'd and ſhown to us, by* J. M. *of* A. *That where the ſaid Purſuer having upon the* —— *day of* —— 16 —— *years, acquired the Lands of* —— *with the Teinds and Pertinents frae* L. C. J. M. *of* —— *he took the Diſpoſition and Right thereof Blank in the Name, and continued ſo ſeveral years, and in end filled up* J. M *of* — *his Name therein, and infeft him thereupon, by* A. B *Superior in Truſt for and to the Purſuers own behove; And which Truſt is moſt evident and clear from the ſeveral Grounds and Qualifications after-ſpecified; And albeit it be of verity, that the ſaid deceaſt* J. M. *during his Lifetime, acknowledged the ſaid Truſt, and that it conſiſts with the knowledge of* J. M. *now of* — *his eldeſt lawful Son, and beſides the Truth and certainty thereof from the other Grounds and Qualifications aforeſaid, and that the ſaid Purſuer has oft and divers times deſired and required the ſaid* J. M. *as eldeſt lawful Son and Heir Served and Retoured to him, at leaſt lawfully charged to enter Heir to him within fourty days, conform to the Act of* Parliament, *at leaſt bearing and behaving himſelf as Heir to him by Intromiſſion with his Heirſhip-goods and gear,* titulo lucrativo, *at leaſt Singular Succeſſor to him in his other Lands and Heretages after the ſaid Truſt, or as repreſenting him upon one or other of the Paſſive Titles, to obtain himſelf (6) duely and lawfully ſerved and retoured Heir in General; and likeways in ſpecial to his ſaid deceaſt Father, in the ſaids Lands and others foreſaids, contained in the ſaid Diſpoſition of Truſt, and accordingly Infeft therein on the ſaid ſpecial Retour, and by Precept of* Clare conſtat *from the ſaid* A. B. *Superior; And being ſua Served, Retoured, and Infeft to denude himſelf as Heir foreſaid of the ſaids Lands and Right, in favours of the ſaid Purſuer, his Heirs-male, and Aſſigneys heretably and Irredeemably, and to make, grant, ſubſcribe and deliver to them ſufficient Diſpoſitions, containing* Procuratries *of Reſignation, and other Securities requiſit and neceſſar thereanent, and to aſſign them to the ſaid Diſpoſition and Infeftments, and other Rights of the ſaids Lands and Teinds thereof, with the Mails and Duties of the ſame ſince the Term of* Whitſunday 16 —— *years, (being the Term immediatly antecedent to his ſaid Fathers deceaſe, and in all time-coming, with Warrandice frae his own and his ſaid deceaſt Father, their proper Facts and Deeds allanerly; Nevertheleſs, (7) he wrongouſly refuſes,* &c. *And therefore it ought and ſhould*

be found and declared, by Decreet of our Lords of Council and Seſſion, that the ſaids Lands with the Pertinents and Teinds thereof, were acquired by the ſaid Purſuer from the ſaid L. C. J. M. *of* ——— *and that he took the Diſpoſition thereof Blank in the Name, and thereafter filled up the ſaid deceaſt* J. M. *of* —— *his Name therein, and obtained him Infeft thereupon by the Superior as ſaid is, and all in Truſt for and to the Purſuers own uſe and behove in manner foreſaid; in ſua far as, 1. In the Minut of Agreement paſt betwixt the Purſuer and the ſaid* L. C. J. M. *in relation the ſaids Lands, the Purſuer was only Party-Contracter with the Diſponer therein, and the perſon obliged in Payment of the* 10000 *pounds* Scots *of Price. 2. By the very Diſpoſition it ſelf, and which is relative to the ſaid Minut, it is acknowledged in the Subſumption, that the Price was payed be the Purſuer (not the Truſtee,) and therefore and at the Purſuers deſire Diſpones in favours of the Blank perſon. 3. The Diſpoſition was never the Truſtees Evidence, but after the ſubſcribing thereof was ſo delivered to the Purſuer, and by his order filled up with the ſaid deceaſt* J. M. *his Name, by one of the Purſuers Servants yet living, and will be made alſo appear by the Nottar to whom the Purſuer gave the Diſpoſition, to make Reſignation in the Superiors Hands, and by the Superior who received the ſaid Reſignation, and granted Charter conform, and thereupon alſo Seaſin followed, and the ſaid Diſpoſition, Inſtrument of Reſignation, Charter and Seaſin delivered to the Purſuer, and with whom they remain and continue, and are in his Cuſtody to this day. 4. The ſaid deceaſt* J. M. *of* —— *being Chamberlane to the Purſuer for many years, and intruſted in the uplifting of his Rents, he in his Chamberlane Accompts, after the ſaid Acquiſition, charged himſelf with the Rents and Cuſtoms of theſe Lands, als well as the reſt of the Purſuers Eſtate, yea from the Term of* Whitſunday 16 —— *years, to the ſaid Term of* Whitſunday *immediatly preceeding his deceaſe; and ſo by the ſpace of* —— *years, and any Tacks granted to the Tennents were ſtill ſubſcribed by the Purſuer as Heretor, and which Diſcharges granted to the Tennents, were after the Acquiſition ſubſcribed by the Purſuer himſelf, or by the ſaid Defunct as his Chamberlane, and not as Heretor, which he nor no man would have done had he been Heretor, and the Intereſt properly his own, and not a meer Truſtee, in manner foreſaid; and by all which Grounds and Evidents, either joyntly or ſeparatly, the ſaid Truſt is moſt clear and apparant, and the ſame being ſua found and declared, the ſaid* J. M. *now of* —— *upon the paſſive Titles above-ſpecified, or one or other of them, ought and ſhould be decerned by Decreet of the ſaids Lords to abtain himſelf* (follow furth the Stile above from this Figure of (6) till ye come to Nevertheleſs, Figure (7) and then ſay, *conform to the Truſt repoſed in his ſaid deceaſt Father, Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, in all Points as is alledged.* Our Will is herefore, *and we charge you, that ye lawfully Summond, Warn and Charge the ſaid* J. M. *now of* ——nominibus paſſivis quibus ſupra, *perſonally, or at his dwelling-place on twenty one days Warning, and all others having or pretending to have Intereſt, &c. to compear before our ſaids Lords of Council and Seſſion,* &c. *to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid Matter,* That is to ſay, *the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the ſaids Lands with the Teinds and Pertinents were acquired by the Purſuer, frae the ſaid* L. C. J. M. *of* —— *and that he took the Diſpoſition thereof frae him Blank in the Name, and thereafter filled up the ſaid deceaſt* J. M. *his Name therein, and obtained him Infeft thereupon by the ſaid Superior, as ſaid is, and all in Truſt, for and to the Purſuers own uſe and behove, in manner foreſaid, and that the ſaid Truſt is clear and evident, by and from the Grounds and Evidents above adduced, either joyntly or ſeparatly taken, in manner above-mentioned, and the ſame being ſua found and Declared, the ſaid Defender upon the paſſive Titles above-ſpecified, or an or other of them, to hear and ſee him-*

ſelf

ſelf. (here take in as in the Subſumption from this Figure of (6) till ye come to Neverthelefs, and then ſay, *Conform to the ſaid Truſt repoſed in the Defenders Father, Laws and daily Practique of this Our Realm, uſed and obſerved in the like Caſes, in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find, Decern and Declare in manner foreſaid, and if the ſaid Defender failzie, and compear not day and place foreſaid, that ye Meſſengers at Arms* (inſert a ſecond Dyet, and then conclude according to Juſtice, as ye will Anſwer ——

This Summonds needs no Bill.

SUMMOMDS of Declarator of the Cauſe of granting of a Bond, and that the ſame did not exiſt, and concluding an Exhibition thereof to be delivered and cancelled.

CHARLES —— mean't and ſhown to us by *A.B.* of ——, That where the ſaid Purſuer having in the Month of — 16 — years, entered in a Bargain and Tranſaction with *C. D.* of —anent the Lands of— the ſaid *C.D.* conſigned and depoſitat an Diſpoſition thereof in the hands of —, and the Purſuer likeways conſigned and depoſitat in his hands at the ſame time, a Bond containing the Sum of — *ſcots* Money, payable to the ſaid Defender at the Term of — with Annualrents and Penalty, in manner therein expreſt, and which Sum was for the Price of the ſaids Lands, and both Diſpoſition and Bond were to remain ſo conſigned and depoſitat in the ſaid — his hands, and as a Truſtee for both, until the ——day of —— thereafter, and before which day the Defender was to deliver to the Purſuer a good and ſufficient Progreſs of Right, and to purge all Incumbrances that affected the ſame, after ſearch of the Regiſters; And true it is, that the ſaid Defender has not within the time prefixed delivered the ſaid Progreſs, or purged the ſaid Incumbrances after the Regiſters were ſought, and a Liſt of Incumbrances affecting the ſaids Lands delivered to him in order thereto, by the ſpace of —— preceeding the day prefixed for performance as ſaid is, but on the contrary, it is clear and evident from the ſaid Liſt and Regiſters, that the Incumbrances exceed and ſurmount by the Sum of ——, the Price of the Land, ſo that the Purſuer cannot with ſafety meddle with the Bargain, neither will the ſaid Truſtee deliver up to the ſaid Purſuer the ſaid Bond to be cancelled without a Decreet and Sentence for his Warrand, and that the ſaid *C. D.* be called and conveened in the Proceſs for his Intereſt, and therefore it ought and ſhould be found and declared by Decreet of Our Lords of Council and Seſſion: That (6) the ſaid Bond and Diſpoſition were conſigned, and depoſitat by both Parties, in the hands of the ſaid —— in the Terms, and upon the account above-ſpecified, and that albeit the day prefixed for performance be elapſed, yet the ſaid Defender has not fulfilled his part, either in delivering to the ſaid Purſuer the ſaid ſufficient Progreſs of Right of the ſaids Lands, or yet in purging the ſaid Incumbrances, but on the contrair, the Incumbrances exceed and ſurmount the Price by the ſaid Sum of — as ſaid is, ſo that the Purſuer cannot be in ſafety to meddle with the Bargain, and that there-through the Bargain is *ipſo facto* diſſolved, as if the ſame had never been entered into, or the ſaid Bond and Diſpoſition conſigned and depoſitat in manner foreſaid, and the ſame being ſa found and declared, the ſaid — in whoſe hands the ſame were conſigned and depoſitat as ſaid is, ought and ſhould be Decerned and Ordained

by Decreet of Our ſaids Lords of Council and Seſſion, to exhibite the ſaid Bond and Diſpoſition before the ſaids Lords, to the Effect the ſaid Bond may be Ordained to be given up to the ſaid Purſuer, and the Depoſition to the Defender, both to be cancelled conform to the terms of the ſaid Depoſitation, Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, in all Points as is alledged. *Our Will is herefore*, and We Charge you, that ye lawfully Summond, Warn and Charge the ſaid — in whoſe hands the ſaid Diſpoſition and Bond were conſigned, and depoſitat as ſaid is, and the ſaid *C. D.* for his Intereſt, perſonally, *&c.* on twenty one days Warning and all others, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords; That (*take in from this (6) Figure in the Subſumption, till ye come to* only for ought and ſhould, *make* to hear and ſee, {as is alledged, *and then ſay*) or elſe to alledge a reaſonable Cauſe —, with Certification —, and a ſecond Dyet as in the preceeding Summonds.

Nota, *It is fit to give this Summonds a Bill, becauſe it contains an Exhibition, and the Date of the Bill muſt be the Date of the Summonds and however Exhibitions be priviledged on 6 days, yet becauſe there is a Declarator conjoyned, muſt be on twenty one days.*

Nota, *There may fall out many ſorts of Declarators of this kind, and to ſet down a Stile of all were tedious (if not impoſſible) becauſe there be many ſubject Matters, and alter the Stile, and therefore take this Caution for all, that a Writer that makes a true Narrative or Propoſition, founded in Law, or upon Write, or pure Tranſaction, and a genuine Subſumption and Concluſion can never err in Stile.*

SUMMONDS of Spuilziation of Teinds.

CHARLES, &c. To — Our Sheriffs in that part, and *Meſſengers reſpective*, conjunctly and ſeverally, ſpecially conſtitute, Greeting: *Our Will is*, and we charge you, that ye lawfully Summond, Warn and Charge —, perſonally, or at their Dwelling-places, on twenty one days warning, to compear before our Lords of Council and Seſſion, *&c.* to anſwer at the Inſtance of *A. B.* of — undoubted Tackſman of the Teinds, Parſonage and Viccarage of the Parochin of — conform to the Tack granted to him, his Heirs and Aſſigneys thereupon, by *J. M.* of — Titular of the ſaids Teinds, with conſent of *C. D.* of —, undoubted Patron of the ſaid Parochin, for the ſpace of — years and Cropts after his Entry thereto, which was at the Term of — 16 — years, and thereafter to continue and endure, ay and while the Iſh and Expiration of the ſaid Tack, but any Interval or Breach of Terms, Stop, Trouble or Impedement whatſoever, and which Tack is dated the — day of — 16 — years; Likeas, the ſaid Purſuer as Tackſman foreſaid, raiſed Inhibition on the ſaid Tack, againſt all and ſundry the Heretors, Liferenters, Wadſetters, Tennents and Poſſeſſors of the ſaids Lands, and others lyand within the ſaid Parochin, and which was accordingly execute againſt them, in due and competent Form, long before the Term of *Lammas* laſt by-paſt; And yet notwithſtanding thereof, all the Corns and Viccarage Teinds of the ſaid Parochin, Shorn, Stuked, Stacked, Led, violently Spuilzied, and away-taken from off the Ground, by the ſaids Defenders, and others in their Names of their cauſing and Command, without any Tack, Right, Licence or Attollerance of the ſaid Purſuer, had and obtained thereto, and without

without requiring him by himſelf, or Factors in his Name, having his Power and Commiſſion to come and teind the ſaids Corns, and uplift the ſaid Viccarage, and ſo without any reſpect had to the Purſuers Right, and Inhibition raiſed and execute thereupon, and Certification therein contained, quite contrair, and meerly repugnant to the Laws of this Kingdom, in that caſe provided, and daily and conſtant Practique of the ſame, and thereby the ſaid Purſuer having ſufficient good and indoubted Right and Intereſt, to proſecute, follow-furth and purſue the Action of *Spuilziation* after-ſpecified, in manner after-mentioned, *That is to ſay*, the ſaids Defenders for the wrongous, violent and maſter-ful coming by themſelves, and others in their Names of their cauſing and Command as ſaid is, to the ground of the Lands and others within the ſaid Parochin, in the Months of *Auguſt*, *September*, *October* and *November* laſt, or an or other of them, and an or other of the days of the ſaids Months, and there in the wrongous, violent and Maſterful Spuilziation, intrometting with, Leading, and away-taking from off the ſame, of the haill Corns growing on the Lands, and others within the ſaid Parochin, together with the haill Store, Beſtial and Goods, Hemp, Lint, Calves, Lambs, Kids, and others within the ſaid Parochin, lyable in payment of Viccarage, Teinds, and uſing and diſpoſing thereon at pleaſure, and that of the Avails, Quantities, Eſtimations and Prices after-mentioned, ilk an of them for their own parts, and according to their ſeveral Proportions thereof, as is particularly after-divided. *viz.* (*here leave blank for a ſheet of Paper or two, and then ſay*) and that without any Tack, Right, Licenſe or Attolleration of the ſaid Purſuer, as Tackſ-men foreſaid, firſt had and obtained thereto, and after Inhibition was duely and lawfully raiſed and execute at his Inſtance of before againſt them, inhibiting them ſua to do, and without lawfully requiring him by himſelf, or Factor in his Name, having his Power to come and teind the ſaids Corns, and uplift the ſaids Viccarage Teinds, which he was always moſt willing and ready to do, and which Teinds were worth and would have yielded to the Purſuer, the particular Quantities, Numbers, value Eſtimations and Prices above-ſpecified, had not the ſame been violently *Spuilzied*, intrometted-with, and away-taken as ſaid is, but that the ſame had been ſuffered to have been intrometted-with, uplifted, and away-taken by the ſaid Purſuer, by vertue of his ſaid Right, and Inhibition execute thereupon, in manner above-expreſt; And Spuilziation of the ſaid Purſuer there-through, and of his Right and Poſſeſſion thereof, by vertue of the ſaid Tack, and Letters of Inhibition raiſed and execute thereupon; and als in the wrongous, violent and maſterful keeping, detaining, and as yet with-holding of the ſaids Teinds, Parſonage and Viccarage from the ſaid Purſuer, continually ſenſyne, now by the ſpace of —— ; and therefore to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that they have done wrong in the foreſaid wrongous, violent and maſterful Spuilziation, intrometting-with, and away-taking of the ſaids Teinds, Parſonage and Viccarge, and in the ſaid violent and maſterful keeping, detaining, and as yet with-holding of the ſame from him in manner and by the ſpace above-expreſt; and the ſame being ſua found and declared, the ſaids Defenders to hear and ſee themſelves decerned by Decreet foreſaid, to reſtore and deliver to the ſaid Purſuer, as having Right in manner foreſaid, his ſaids Teinds, Parſonage and Viccarage, of the quantity and numbers above-ſpecified, and which the ſame would have amounted to, and yielded to him, had not the ſaids Defenders wrongouſly, violently and maſterfully ſpuilzied, intrometted-with, and away-taken the ſame, in manner and at the time above-mentioned; but that they had ſuffered and permitted him by himſelf or Factors having his Power, to have teinded with them, and uplifted the ſame, and re-

quired him for that effect, and which he was always willing and most ready to do, or else to make payment to him of the Avails, Estimations and Prices thereof above-rehearsed, ilk ane of them for their own parts as said is, conform to his said Tack, Inhibition raised and served thereupon, Laws and dayly Practique of this our Realm, heretofore inviolably observed in the like Cases in all Points, or else to alledge an reasonable cause, *&c.* with Certification to the saids Defenders if they failzie, our saids Lords of Council and Session will proceed in the said Matter, and find, decern and declare in manner foresaid (*insert a second Dyet, and thereafter say*) according to Justice, as ye will answer ——

Nota, *Thir Inhibitions are sometime raised before the Lords, and somtime before the Commissars, and are not Registrat as other Inhibitions, so that I have Libelled in the General, and trysts with both cases.*

Nota, *There is an other Summonds of Spuilzie, called Summonds of recent Spuilzie, because the person injured complains, and raises a Summonds within fifteen days after the committing, and so the Law allows the same to be priviledged by Bill on fifteen days; and as any man will write the Bill knowing all by the former strain of the Summonds, so I omit both Bill and Summonds of recent Spuilzie here* (brevitatis Causa) *only where the former is on twenty one days, this is to be on fifteen days, and after* according to Justice, *add these words in this Summonds, to be called summarly on* 15 *days warning, because the said Action being pursued recently, and within the time prefixed by the Law, is priviledged of its own Nature, and so merits summar Process, conform to the Laws and daily Practique of this our Realm, used and observed in the like cases, and our saids Lords of Council & Session their deliverance granted thereanent,* and then say, as ye will answer to us thereupon —— *and because this Summonds has a Bill, which most be the date thereof, add*

Ex Deliberatione Dominorum Concilii.

Nota, *In the Bill you must say, And your Lordships Deliverance to be granted thereanent, for till the Bill pass it is not granted, and when past, the Summonds holds right* utsupra, *the Summonds being subsequent to the Bill.*

SUMMONDS of Aliment to an Heir.

CHARLES —— To Our Sheriffs in that part, and Messengers *respective, &c.* Mean't and shown to us by *A. B.* Son and Heir to the Deceast *A.B.* of —— That where by the Laws and daily Practique of this Our Realm, where the Heir has not a sufficient and competent Livelyhood, by reason the Estate is exhausted by Liferents and Debts affecting the same, there is an Aliment allowed to the Heir from off these Joynters and Liferenters, whereby the Heir may not leave under Necessities, want the ordinary Means of Education and Breeding, or be forced to contract Debt at extraordinary Disadvantages, to the ruine both of himself, his Fortune and Estate in fine, as the sad Consequence where the Estate is over-burdened with Liferents and Debts as said is, specially where the Heir has not *alimnde* whereupon to live, and be educat, and which Aliment after due Consideration had of the Fortune, Liferents and Debts, is ever in use to be modified by our Lords of Council and Session

ſion; And true it is, that the Purſuers Fortune amounting to —— Chalders Victual, and —— Silver-Rent yearly, beſides Cuſtoms and Caſualities, and over and above the Mannor-place, Office-houſes, Parks, Yards and Services, which in due Eſtimation is worth —— a year, is either liferented, or by the Annualrents of the Debts reſting to lawful Creditors of the Defuncts, exhauſted, or very near, in ſua far as *C. D.* the Purſuers Mother liferents —— thereof, and *H. F.* the Purſuers Grand-mother liferents —— of the ſame, and the Annualrents of the Debts reſting on the Eſtate, amount to ——, conform to a particular Account thereof a part (here holden as for expreſt *brevitatis cauſa*) and beſides the ſaids Liferenters, by vertue of their Rights & Infeftments poſſeſs the haill Houſes, Parks and Yards, with the Cuſtoms and Services of what ſo liferented, ſo that the Annualrents due to the Creditors as ſaid is, deduced with the Ceſs, and other publick Burdens, and Miniſters Stipends, whereof the Purſuer has no Benefit, there only remains of the whole Rent but —— which is not ſufficient to aliment (beſides to educat) the Purſuer according to his Degree and Quality; And albeit it be of verity, that by the Law of God and Nature, and Laws and daily Practique of this our Realm, the ſaids Liferenters are obliged to allow to the Purſuer a Competency for his Aliment, and Education effeirand to what liferented, and his Degree and Quality, and cannot be left deſtitute, and expoſed to Neceſſities and want, and that he has oft and divers times deſired and required them to grant him the ſaid Competent Allowance yearly ſince the deceaſe of his ſaid Father, which was upon the —— day of —— 16 —— years, and yearly and termly in time-coming, by equal Portions, and in manner under-written; Nevertheleſs they wrongouſly refuſed, and as yet refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged. *Our will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaids *C. D.* and *H.F.* Liferenters above-ſpecified, perſonally, or at their Dwelling places, on twenty one days warning (6) to Compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid Matter, *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that the Purſuer his Eſtate derived to him by his ſaid deceaſt Father and Grand-father, amounts in yearly Rent to the ſaid —— of Victual, and —— of Silver-Rent, (attour Cuſtoms and Services) and that the ſaid Mannor-places, Office-houſes, Parks and Yards are worth —— yearly, and that the ſaid *C. D.* liferents thereof ——, and that the ſaid *H. F.* liferents of the ſame —— and that the Annualrents of the Sums due to the Creditors amounts to —— conform to the ſaid particular Account thereof (here alſo holden as repeated *brevitatis cauſa*) and that thereby, and by the Ceſs, and other publick Burdens, and Miniſters Stipends, there only remains to the Purſuer of free Rent —— which is not a competency for his Aliment and Education, and ſuitable to his Degree and Quality, and the ſame being ſua found and declared, the ſaids Defenders to hear and ſee a Competency modified by our ſaids Lords to the Purſuer for his ſaid Aliment and Education, and to hear and ſee themſelves Decerned and Ordained by Decreet foreſaid, to make payment to the ſaid Purſuer thereof, each of them for their own parts, according as they Liferent, or as it ſhall ſeem good to the ſaids Lords to proportion and divide the ſame, and that yearly ſince his ſaid Fathers deceaſe, and ſicklike yearly and termly in time-coming by equal Portions, during their reſpective Lifetimes, or to grant particular Localities to him in the Eſtate for payment thereof, and as the ſaids Lords ſhall judge fit, conform to the Laws and daily Practique of this our Realm, uſed and obſerved in the like Caſes, in all Points, or elſe to alledge a reaſonable Cauſe, *&c.* with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and find, Decern and de-

clare in manner foreſaid (*inſert a ſecond Dyet, and then conclude with*) according to Juſtice, as ye will anſwer.

Nota, *If the Liferenters be married, ye muſt libel and conclude* (*all alongſt*) *againſt the Husbands, who alſo moſt be conveened for their Intereſt.* Secundo, *If any perſons Creditors of the Liferenters, or their Huſbands* (*Donators to their Eſcheats, or any having Right from them, be either in Poſſeſſion or known*) *it is fit they be called for their Intereſt, either particularly, or thus in general,* viz. *and all others having or pretending to have Intereſt in the ſaid matter, by open Proclamation at the Mercat-Croſs of* ——, *and other places needful,* which place in the Summonds after the Will at this (6) Figure. (3) *I have ſeen thir Summonds priviledged by Bill on ſix days; Thus to be called ſummarly on ſix days warning, becauſe the foreſaid Action being for Aliment is priviledged of its own Nature, and ſo merits ſummar Proceſs; conform to the Lords their daily Practique, and Order uſed and obſerved in the like caſes, and their Deliverance granted thereanent, but as to this, ſince the Lords by an Act of* Sederunt *in my Lord* Stairs *time* (*to ſhun Confuſion*) *have determined what Summonds may be priviledged, and what not, and whether by Bill or not; It is fit each Clerk to the Signet have a Double of the ſaid Act and I remit you to it, for there by the Lords thought fit,* (*and juſtly*) *to appoint ſeveral Summonds that formerly were on* 21 *days, to be afterwards on ſix, and ſome that were on ſix,* (*but few*) *to be on twenty one days, and not fit to be tranſgreſſed, leaſt it caſt the Clients Summonds, if not give Offence.*

SUMMONDS at the Inſtance of a Minor before the Exchequer, for Election of Tutors Dative, *conform to an Act made in Exchequer thereanent, and paſſt the Signet.*

CHARLES, —— To our Sheriffs in that part, conjunctly and ſeverally, *&c.* Mean't and ſhown to us by *A.B.* lawful Children to the deceaſt *C. D.* of — That where the ſaids Purſuers their Father dyed in the Month of —— 16 —— years, without making Teſtament, at leaſt without Nominating and leaving Tutors to his ſaid Children, albeit all of them within the years of Pupillarity, and ſeing they are reſolved to make Application to us and our Lords of Theſaury & Exchequer, in order to a Tutory, in favours of ſome of their Friends and Relations, in whom they repoſe moſt confidence for Management and Gubernation of their Eſtates, both real and perſonal, and which Gift cannot be granted without two of the neareſt of Kin on the Fathers ſide, and als many on the Mothers ſide, be called and conveened in the Matter before the Lords of our ſaid Theſaury and Exchequer, conform to a particular Act made thereanent in our ſaid Exchequer, and therefore neceſſary it is for the ſaids Purſuers to have thir our Summonds direct at their Inſtance againſt the ſaids neareſt of Kin, in manner, and to the effect after-ſpecified, conform to the ſaid Act of Exchequer, in all Points, as is alledged. *Our Will is therefore*, and we Charge you, that ye lawfully Summond, Warn and Charge —— two of the neareſt of Kin to the ſaids Purſuers on the Fathers ſide, and —— two of the neareſt of Kin to them on the Mothers ſide, perſonally, or at their dwelling-places, on twenty one days warning, To compear before our Lords of Theſaury and Exchequer at *Edinburgh*, or where it ſhall happen them to be for the time, the — day of — if it be lawful, and failzeing thereof

of, the next lawful day thereafter following, in the hour of Cauſe, with continuation of days, to anſwer at the inſtance of the ſaids Purſuers in the ſaid matter. *That is to ſay*, the ſaids Defenders to hear and ſee Tutors Dative, one or more nominat and given by us *as communis Pater*, by vertue of our Prerogative, and by our ſaids Lords in our Name to the Purſuers, for Mannagement and Gubernation of their Eſtates, real and perſonal, during the haill time and ſpace of their Pupillarity, and a Gift paſt in Exchequer, and Caution received for faithful Adminiſtration, and thereafter expede the Regiſter and quarter Seal, conform to the Laws of the Kingdom in that caſe provided, and daily Practique thereof in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, We and our ſaids Lords will proceed in the ſaid Matter, and paſs a Gift of Tutory in favours of ſome other Perſon, to the effect above-ſpecified, according to Juſtice, as ye will anſwer ——

Nota, *Thir Summonds needs no Bill.*

SUMMONDS at the Inſtance of a Minor after his years of Pupillarity, for Election of Curators.

CHARLES, —— *To our Sheriffs in that part, conjunctly and ſeverally, &c. Meant and ſhown to us by* A. B. *of* —— *and eldeſt lawful Son, and apparand Heir to the deceaſt* A. B. *of* ——, *That where the ſaid Purſuer is now paſt the years of his Pupillarity, ſo that it is very neceſſar and convenient for him to choice his Curators, for Management and Government of his Eſtate, real and perſonal, and by whom he may be alſo adviſed, in relation to his future Education, and until the years of his Majority; Wherefore neceſſar it is for the ſaid Purſuer to have Summonds direct at his Inſtance, againſt two of the neareſt of Kin on his Fathers ſide, and als many on his Mothers ſide, in manner, and to the effect after-ſpecified, conform to the Laws and daily Practique of this our Realm, uſed and obſerved in the like Caſes, in all Points as is alledged.* Our Will is herefore, *and We charge you, that ye lawfully Summond, Warn and Charge* —— *two of the neareſt of Kin to the ſaid Purſuer on the Fathers-ſide, and* —— *two of the neareſt of Kin to him on the Mothers-ſide, perſonally, or at their Dwelling-places on twenty one days warning, to Compear, &c. to anſwer at the Inſtance of the ſaid Purſuer in the ſaid Matter.* That is to ſay, *the ſaids Defenders to hear and ſee Curators nominat be and given to him by the ſaids Lords, for Management and Government of his Lands and Eſtate, real and perſonal, and towards his better Education and Breeding, ay and while his full and perfect Age of twenty one years compleat, conform to the Laws and daily Practique of this our Realm, in all Points, or elſe, &c. with Certification to them if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and Authorize ſuch Curators as ſhall be nominat by the Purſuer to the effect foreſaid, according to Juſtice as ye will anſwer,* ——

Nota, Few or none chuſe Curators before the Lords (except it be perſons of Quality) but do the ſame before Sheriffs, Commiſſars, or Baillies of Burrows, Regalities and Stewartries.

SUMMONDS at the Inſtance of a Perſon after his Majority againſt his Tutors and Curators, as to their Intromiſſions and Adminiſtrations, Omiſſions and Commiſſions.

CHARLES —— To our Sheriffs in that part, and Meſſengers *reſpective &c.* Meant and ſhown to us by *A. B.* of —— That where *C. D. J. M. W. C.* and *L. F.* after *A.B.* of —— Father to the Purſuer his deceaſe, and who deceaſt in the Moneth of —— 16 —— years, became Tutors-Dative to the Purſuer conform to a Gift of Tutory granted to them thereupon by us with Conſent of the Lords of Our Theſaury and Exchequer of this Our Antient Kingdom, exped Our Quarter Seal of the Date the —— day of —— 16 —— years, and the time of the granting thereof they found *P. F.* of —— Cautioner for them, as to their faithful Adminiſtration in the ſaid Office, during the years of the Purſuers Pupilliarity, and making Compt, Reckoning and Payment to him of all their Intromiſſions with his Eſtate real and perſonal, and other Goods and Gear pertaining and belonging or that ſhould happen to appertain and belong to him, by and through the deceaſe of his ſaid Father, or any other manner of way in manner more fully rehearſed, in the Bond, or Act of Caution ſubſcribed by them thereanent, of the Date the —— day of —— 16 —— years foreſaid, and thereby not only procured the ſaid Gift, but likeways accepted in and upon them the ſaid Office of Tutory, and in like manner behaved themſelves as Tutors by ſetting Tacks, uplifting Rents, granting Diſcharges, and doing ſeveral other Deeds properly belonging to the Office of Tutory, as alſo after elapſing of the Purſuers years of Pupilliarity, he through the entire confidence he repoſed in them elected, and chooſed the fornamed perſons for his Curators, and they compearing perſonally in judgement before the Sheriff of —— accepted likeways of the ſaid Office of Curatry, and found the ſaid *P.F.* of —— (who was formerly Cautioner in the ſaid Tutory,) to be likeways Cautioner for them in the ſaid Curatory, as to their faithful Adminiſtration therein, and for making Compt Reckoning, and payment to him of all their *I*ntromiſſions with his ſaid Eſtate Real and Perſonal, and other Goods and Gear pertaining and belonging, or that ſhould happen to appertain and belong to him, by and through the Deceaſe of his ſaid Father, or any other manner of way in manner more fully ſpecified in the Act of Curatry made thereanent before the ſaid Sheriff, and Bond and Act of Caution ſubſcribed thereanent Dated the ——— day of ——— and ſo continued in the ſaid Truſt, until the Purſuers Majority and full and perfect Age of 21 years compleat, which was upon the —— day of —— laſt by-paſt. And true it is, that the forenamed Perſons during the time of the ſaid Tutory and Curatory, did medle, intromet-with and uplift of the Means and Eſtate of the ſaid Purſuer, either left to him by his ſaid deceaſt Father, the time foreſaid of his deceaſe, or that accreſced ſince to the Purſuer by his Eſtate, or otherways, the Goods, Gear, *D*ebts, Sums o' Money, Jewels, Gold, Silver, cunzied and uncunzied, Heirſhip, Goods, Rents of Lands, Annualrents, Teinds, and others after-ſpecified, of the Avails, Quantities, Eſtimations and Prices after-mentioned, from the perſons and at the time under-written, *viz.* (*leave Blank for two Sheets of Paper, and then ſay*) at leaſt they ought and ſhould have uſed exact and timeous Diligence therefore, whereby the ſame might have been made effectual, and all (als well that which did not carry Annualrent, after the time limited and appointed by the Act after-ſpecified, as that carried Annualrent) imployed for the uſe, utility and Profit

profit of the Purſuer their Pupil, conform to the Truſt repoſed in them by the ſaid Tutory and Curatory, and Act of Parliament made anent Tutors and Curators, and their Adminiſtration in their Offices, and wherein they have been moſt deficient, as is moſt clear and apparant, by a particular Rental or Liſt apart here holden, as for expreſt *brevitatis cauſa*, and which haill Goods, Gear, Debts, Sums of Money, Rents, Annualrents, Jewels, Gold, Silver, and others above-ſpecified, with the Intereſt of ſuch Debts as carried Annualrent and Intereſt of ſuch particulars, as ought to have been employed upon Annualrent after the time prefixed by the ſaid Act of Parliament, extend in the haill at the Term of —— laſt by paſt, (being the Term immediatly antecedent to his ſaid Majority) to the Sum of —— uſual Money of this Realm, and albeit it be of verity, that the ſaid Purſuer has oft and divers times deſired and required the ſaids Tutors and Curators, and their ſaid Cautioner for their Adminiſtration in the ſaids Offices, conjunctly and ſeverally to have made payment to him of the ſaid Sum of —— Money foreſaid, with the Annualrent thereof ſince the ſaid Term of —— laſt by paſt, and yearly and Termly in time coming during the not payment of the ſame, after the Form and Tenor of the ſaid Gift of Tutory, Act of Curatory, Bond or Act of Caution found in the ſaid Matter, Laws and daily Practique of this Kingdom uſed and obſerved in the the like Caſes, Nevertheleſs *&c. Our Will is Herefore*, and We charge you that ye lawfully Summond Warn and Charge the ſaid Defenders, Tutors, Curators and Cautioner foreſaid, perſonally or at their Dwelling places on 21 days Warning, to compear *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, that is to ſay, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſame being ſua verified and proven, to hear and ſee themſelves decerned and ordained conjunctly and ſeverally by Decreet of the ſaids Lords, to make payment to the ſaid Purſuer of the forſaid Sum of —— money foreſaid, due to him as ſaid is, with the Annualrent thereof ſince the ſaid Term of —— laſt by paſt, and yearly and Termly in time coming during the not payment of the ſame, after the Form and Tenor of the ſaid Gift of Tutory, Act of Curatory, Bond or Act of Caution found in the ſaid matter, Laws and dayly practique of this our Realm, uſed and obſerved in the like Caſes in all points, or elſe to alledge an reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, the ſaids Lords will proceed in the ſaid matter, and decern therein in manner foreſaid, according to Juſtice as ye will anſwer. ——

Nota, *This Summonds needs no Bill*

SUMMONDS of Reduction at the Inſtance of a Creditor upon the Act of Parliament 1621, *againſt the Perſon in whoſe favours his Debitor diſponed his Eſtate fraudulently.*

CHARLES —— To Our Lovits, —— our Sheriffs in that part, and Meſſengers *reſpective*, Conjunctly and Severally, ſpecially conſtitute; Greeting, *Our Will is*, and we charge you, that ye peremptorly Summon Warn and Charge *C. D.* of —— To whom, and in whoſe Favours the pretended Diſpoſitions, Charters, Aſſignations to Bonds and others after-ſpecified, are alledged made and granted in manner after-mentioned, and *A. B.* of —— alledged Maker and Granter of the ſaids Rights for his Intereſt perſonally, *&c.* on 21 days warning, and all others having or pretending to have Intereſt in the matter under-written, by open Proclamation, *&c.* to compear, *&c* to anſwer at the Inſtance of *I. M.* of —— lawful Creditor to the ſaid *A. B.* of

in ſua far as, (here inſert the grounds of the Debt, curtly and if any Execution be regiſtrat, Horning, Charge, Apptyſing, or Adjudication followed, let the ſame be mentioned, and then ſay; to whoſe great Hurt and Prejudice as lawful Creditor foreſaid: The ſaids pretended Rights and Infeftments were granted by the ſaid *A. B.* in favours of the ſaid *C. D.* the ſaid *A. B.* being then *in meditatione fugæ*, and his Credit and Condition called in queſtion at leaſt without an adequat onerous Cauſe, if not to the ſaid *C. D.* as his confident and ſo quite contrair, and meerly repugnant to the Act of Parliament made *in anno* 1621, *againſt Bankrupts and fraudulent Diſpoſitions, made to the hurt and prejudice of lawful Creditors*: And thereby the Purſuer having ſufficient, good and indoubted Right and Intereſt to call for Exhibition and Production of the ſaids pretended Rights, and to proſecute, follow-furth and purſue the Action of Reduction of the ſame after-ſpecified, in manner after expreſt. *That is to ſay*, the ſaids Defenders to bring with them, exhibite and produce before the ſaids Lords the ſaid day and place, in the hour of Cauſe, with continuation of days, the Writs and Evidents following, *viz.* (*leave blank for half a ſheet of Paper, and then ſay*) of the Dates, Tenors and Contents above-ſpecified, or of whatſoever other Dates, Tenors or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced, Retreated Reſcinded, Caſſed, Annulled, Decerned and Declared by their Decreet, to have been from the beginning to be now and in all time coming null and of none Avail Force, Strength nor Effect with all that has followed, or that may follow on the ſame for the Reaſons and Cauſes following, *viz.* in the firſt, (*here leave blank for the Reaſons and then ſay*) and therefore the foreſaids pretended Diſpoſitions, Charters, Aſſignations to Bonds and others above-ſpecified, (called for to be produced and reduced as ſaid is) of the Dates, Tenors and Contents above-mentioned: or of whatſoever other Dates, Tenors or Contents the ſame be of, ought and ſhould be Reduced, Retreated, Reſcinded, Caſſed, Annulled, Decerned and Declared by Decreet of the ſaids Lords, to have been from the beginning, to be now and in all time coming null and of no avail, force, ſtrength nor effect, with all that has followed, or that may follow thereupon, for the Reaſons and Cauſes foreſaids, and others, or elſe to alledge a reaſonable Cauſe, *&c.* With Certification to the ſaids Defenders if they failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and Reduce, Decern and Declare in manner foreſaid; *Inſert a ſecond Dyet*, and then ſay, according to Juſtice as ye will anſwer ——

SUMMONDS of Reduction and Declarator ex condictione indebiti.

CHARLES —— To our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially Conſtitute, Greeting. *Our Will is*, and we charge you, that ye peremptorly Summond, Warn and Charge *A. B.* of —— to whom, and in whoſe favours the Bond and heretable Security after-ſpecified is made and granted, and whereupon Infeftment followed, in manner after-mentioned, perſonally, or at his dwelling place, on twenty one days warning, and all others, *&c.* to compear, *&c.* to anſwer at the Inſtance of *C. D.* of —— by whom, and to whoſe great hurt and prejudice, the foreſaid Bond and heretable Security was made and granted upon a Suppoſition, that the Debt for which granted was really reſting by the deceaſt *W. D.* of —— his Father, whereas the contrair is now evident by antecedent Diſcharges of the Debt granted to his ſaid deceaſt Father, and thereby having ſufficient good and indoubted Right and Intereſt to call for Exhibition, and production thereof, and to proſecute, follow-

follow-furth and purſue the Action of Reduction and Declarator after-mentioned, *ex condictione indebiti*, in manner after-expreſt; *That is to ſay*, the ſaids Defenders to bring with them, exhibite and produce before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of Days the foreſaid Bond, (*here leave Blank for half a ſheet, and then ſay*) With the Charter and Seaſing following thereupon, of the Date, Tenor and Contents above-ſpecified, or of whatſoever other Date, Tenor or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced (6) Retreated, Reſcinded, Caſſed, Annulled, Decerned and Declared by their Decreet, to have been from the beginning, to be now and in all time-coming null and and of none Avail, Force, Strength nor Effect, with all that has followed, or that may follow thereupon, for the Reaſons and Cauſes following. *To wit*, (*here leave Blank for the Reaſons*) as alſo to hear and ſee the ſaid Bond and heretable Security, with the Infeftment following thereupon, declared by the ſaids Lords, to be extinguiſhed and ſuppreſſed, as if the ſame had never been made nor granted, and the Defender alſo decerned and Ordained to renunce and diſcharge the ſame in ample Form, with Procuratrie of Reſignation *ad remanentiam*, and all other Clauſes needful, and to deliver up to the ſaid Purſuer the ſaid Bond and heretable Security, Charter and Seaſin to be cancelled and deſtroyed, (7) And therefore the ſaid pretended Bond and heretable Security, with the Charter and Seaſin following thereupon (of the Date, Tenor and Contents above-ſpecified, or of whatſoever other Date, Tenor or Contents the ſame be of) ought and ſhould be reduced, (*here take in from the (6) Figure to the (7) Figure, with this Alteration for the Words to hear and ſee* (Write) ought and ſhould, *and then ſay*) conform to the Laws and daily Practique of this Realm uſed and obſerved in the like Caſes, in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and Reduce, Decern and Declare in manner foreſaid, according to Juſtice as ye will anſwer ——

Nota, *I ſee no Cauſe why this Summonds ſhould contain a ſecond Dyet, if the Security brought in queſtion be corroborat, and not ſimple, becauſe in that caſe* Clare Conſtat de ſe, *and the Diſcharge being produced that was granted to the Father, makes the Payment to appear* ſcripto: *But if the Security be ſimple, it is fit to inſert a ſecond Dyet (even albeit the Diſcharge granted to the Defender, and the ſimple Security be of the ſame Date, and before the ſame Witneſſes*)

SUMMONDS of Reduction of an Interdiction, at the inſtance of the perſon Interdicted.

CHARLES, —— To Our Sheriffs in that part, and Meſſengers *reſpectivè*, conjunctly and ſeverally, ſpecially conſtitute, Greeting. *Our Will is*, and We charge you, that ye peremptorly ſummond Warn and Charge *C. D.* of —— *A. B.* of —— and —— to whom, and in whoſe favours the Interdiction after-ſpecified was made, granted and ſubſcribed, and Letters of Inhibition and Publication raiſed and execute thereupon at their inſtance, and Regiſtrat in manner after-mentioned, perſonally, or at their dwelling-places, on 21 days Warning, and all others having or pretending to have Intereſt, *&c.* to compear, *&c.* to anſwer at the inſtance of M. *J. H.* of ——, by whom the foreſaid Interdiction was ſubſcribed, and delivered to the ſaids Defenders, to prevent and guard a-

gainſt his Contracting of Debt, becoming Surety for Perſons, or Dilapidating of his Eſtate otherways, and to which (at the time) he might have been induced through the paucity of his Years, and facility and weakneſs of his Nature; but now being of the years of —— and of greater experince of the World, and knowen by many demonſtrations, evident proofs, and undenyable teſtimonies of his Frugality and Vertue, that he is *rei ſuæ provida*, and thereby in capacity to manage his own Eſtate and Affairs to advantage, without any ſuch Interdiction or Aw-band over his Head, which as he is now ſtated and circumſtat, proves a great diſparagement and diſhonour to him, none being free to deal with him in the leaſt and meaneſt Tranſactions, without conſent of the Defenders, to whom he is Interdicted in manner foreſaid, and thereby and for redintigration and continuance of the Purſuers Honour and Intereſt, having ſufficient, good and undoubted Right and Intereſt to call for Exhibition and Production of the ſaid Interdiction and Letters of Publication thereof, and Executions of the ſame, and to proſecute, follow-furth and purſue the Action of Reduction thereof after-ſpecified, in manner after-expreſt; *that is to ſay*, the ſaids Defenders to bring with them, exhibite and produce before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of days, (*here leave Blank for half ſheet to fill up the Production, and then ſay*) of the Dates, Tenors and Contents above-ſpecified, or of whatſomever other Dates, Tenors, or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame (6) reduced, retreated, reſcinded, caſſed, annulled, decerned and declared by their Decreet, to have been from the beginning, at leaſt to be now and in all time-coming (as to all ſubſequent Deeds) null and of none Avail, Force, Strength, nor effect, with all that has followed, or that may follow on the ſame, and the ſaid Purſuer reſtored *in integrum* againſt the ſame, (7) for the reaſons and cauſes following, *viz.* (*here leave Blank for the Reaſons, and then ſay*) and therefore the foreſaid Interdiction, Decreet interponed thereto, Letters of Publication raiſed thereupon, Executions and Regiſtration thereof, (of the Dates, Tenors and Contents above-ſpecified, or of whatſomever other Dates, Tenors, or Contents the ſame be of,) ought and ſhould be reduced, (*here take in from the* (6) *Figure to the* (7) *and then ſay*) for the Reaſons and Cauſes foreſaids and others, or elſe to alledge, *&c.* with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and reduce, decern, find, declare, and reſtore in manner foreſaid, according to Juſtice, as ye will anſwer ——

Nota, *Ye may inſert a ſecond Dyet, albeit I think the Lords, (before they looſe the Interdiction,) will have a greater Eye to the Purſuers Frugality and Vertue (which they will have evidently proven) than by any Conceſſion of the Friends, or their being holden as confeſt upon the Point, (ſhould it be referred to their Oaths,) and if the Interdicters Diſcharge voluntarly, it prevents the trouble of this Summonds.*

SUMMONDS of Reduction of an Appryſing and Executions thereof, &c. either upon Nullities, or Payment made of whole or part, before the leading, concluding alſo a Declarator for extinguiſhing thereof, as payed by Intromiſſions.

CHARLES, —— To our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially conſtitute, Greeting: *Our Will is*, and we Charge you, that ye peremptorly Summond, Warn and Charge *A. B.* of ——, (at whoſe inſtance the Lands and others after-ſpecified, were moſt wrongouſly, illegally and diſorderly denunced to be Appryſed for Sums more than

than were due, and the Appryſing (after-mentioned accordingly led and deduced, and Charters and Infeftments thereupon purchaſt and expede) and —— Meſſenger Executer of the Letters of Appryſing and Denuncer of the ſaids Lands, and —— Meſſenger Judge in the ſaid Appryſing, —— perſons of Inqueſt who paſt thereupon, — Clerk thereto, — Clerk to the Bills, Recorder thereof, and —— Superior of the ſaids Lands, and granter of the ſaid Charter, —— Nottar giver of the Seaſin thereon, perſonally, or at their dwelling-places, on twenty one days Warning, and all others, *&c.* to compear, *&c.* to anſwer at the inſtance of *C.* D. of ——, to whoſe great hurt and prejudice the ſaids Lands and Eſtate, were wrongouſly denunced to be Appryſed, for Sums more than were due, and the Appryſing accordingly led and deduced, and Charters and Infeftments thereupon expede, at leaſt that the Defender by vertue thereof continues in Poſſeſſion, albeit more than payed by Intromiſſion and otherways, in manner under-written; and thereby having ſufficient, good and undoubted Right and Intereſt, to call for Exhibition and Production thereof, and Grounds and Warrants of the ſame, and to proſecute, follow-furth and purſue the Action of Reduction Declarator, and others after-ſpecified, in manner after-mentioned; *that is to ſay*, the ſaids Defenders to bring with them, exhibite and produce before our ſaids Lords of Council and Seſſion, the ſaid day and place, in the hour of Cauſe, with continuation of days, (*leave a Blank for the Production*) of the Dates Tenors, and Contents above-written, or of whatſomever other Dates, Tenors, or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced, Retreated, Reſcinded, Caſſed, Annulled, decerned and declared by their Decreet, to have been from the beginning, to be now and in all time coming, null and of none Avail, Force, Strength nor Effect, with all that has followed, or that may follow thereupon for the Reaſons and Cauſes following, (*leave a ſheet blank for the Reaſons and then ſay,*) at leaſt to hear and ſee it found and declared that the foreſaid Appryſing is more than ſatisfied, by the Sum of —— by the Defenders Intromiſſions with the Rents and Duties of the Lands and others Appryſed, and otherways, or that the Lands were worth, and payed no leſs the time of his Entry to the Poſſeſſion, (and with which he either intromett-ed, or ought and ſhould have Intrometted, having by his Poſſeſſion excluded the Purſuer as Heretor therefrae) and that conform to an particular Rental, and Accompt thereof a part (here holden, as repeated and for expreſt *brevitatis cauſa*) and that there through the ſaid Appryſing and Infeftment are not only ſuppreſt and extinguiſhed: but alſo that the ſaid Defender is lyable to the Purſuer in the ſaid Sum of —— with which he either intrometted, or ſhould have intrometted, as ſaid is, and as the true *ſuperplus* and Ballance of Accompt over and above, and attour, what due by vertue of the ſaid Appryſing and Infeftment in manner foreſaid, and the ſame being ſua found and declared, the ſaid Defender to hear and ſee himſelf decerned and ordained by Decreet foreſaid, not only to renunce, overgive, and diſcharge his ſaid Appryſing and Infeftments thereon, *omni habili modo* and with abſolute Warrandice, and all other Clauſes needful in favours of the ſaid Purſuer, his Heirs and Aſſigneys, and to deliver up to them the ſaid Appryſing with the Grounds and Infeftments expede thereupon, to be diſpoſed off at Pleaſure, but alſo to enter the ſaid Purſuer and his foreſaids to the peaceable Poſſeſſion of the ſaids Lands and others foreſaids, and make payment to them of the ſaid Sum of —— due attour their own payment as ſaid is, with the Annualrent thereof ſince the Term of —— at which time the ſaid Appryſing was extinguiſhed by payment in manner foreſaid, and in time coming during the not payment, and als the ſaids Defenders (for the better adjuſting of the ſaid Accompt and what els relates thereto) to hear and ſee Auditors nominat

nat and appointed by the ſaids Lords, according to the order uſed and obſerved in the like Caſes, and therefore the ſaid Purſuers Appryſing Grounds and Warrands thereof, and Infeftments following thereupon, of the Dates Tenors, and Contents above ſpecified, (or of whatſomever other Dates, Tenors or Contents the ſame be of) ought and ſhould be Reduced, Retreated, Reſcinded, Caſſed, Annulled, decerned and declared by Decreet of the ſaids Lords, to have been from the beginning, to be now and in all time coming null and of none Avail, Force, Strength, nor Effect, with all that has followed, or that may follow thereupon, for the Reaſons and Cauſes foreſaids and others, at leaſt it ought and ſhould be found and declared that the foreſaid Appryſing is more than ſatisfied, yea by the ſaid Sum of —— by the Defenders Intromiſſions with the Rents and Duties of the ſaids Lands and others above appryſed or otherways, or that the Lands were worth, and payed no leſs the time of his Entry to the Poſſeſſion, and with which he either intrometted, or ought and ſhould have intrometted (having by his Poſſeſſion excluded the Purſuer as Heretor therefra) and that conform to the ſaid particular Rental, and Accompt thereof a part here holden as repeated, and for-expreſt, (*brevitatis cauſa* as ſaid is) and that there through the ſaid Appryſing and Infeftments are not only ſuppreſt and extinguiſhed but alſo that the Defender is lyable to the Purſuer in the ſaid Sum of — with which he either intrometted, or ſhould have intrometted as ſaid is, and as the true *ſuperplus* and Ballance of Accompt over and above, and attour, what due by vertue of the ſaid Appryſing and Infeftment in manner foreſaid, and the ſame being ſua found and declared the ſaid Defender ought and ſhould be decerned and ordained by Decreet foreſaid, not onlie to renunce, overgive, and diſcharge his ſaid Appryſing and Infeftment thereon, *omni habili modo*, and with abſolute Warrandice, and all other Clauſes needful in favours of the ſaid Purſuer and his foreſaids, and to deliver up to them the ſaid Appryſing with the Grounds and Infeftments exped thereon, to be diſpoſed off at Pleaſure, but alſo to enter them to the peaceable Poſſeſſion of the ſaids Lands and others foreſaids, and make payment to them of the ſaid Sum of —— due attour their own payment as ſaid is, with Annualrent thereof ſince the ſaid Term of —— at which time the ſaid Appryſing was extinguiſhed by payment in manner foreſaid, and in time coming during the not payment, and for the better adjuſting of the ſaids Accompts, and what els relates thereto, Auditors ought and ſhould be nominat and appointed by the ſaids Lords, according to the Order uſed and obſerved in the like Caſes, or els, *&c.* with Certification the ſaids Lords will proceed in the ſaid matter, and reduce find, decern and declare in manner foreſaid, to conclude with a ſecond Dyet.

This needs no Bill.

SUMMONDS of Ingreſs to Lands Diſponed in Real Warrandice of other Lands Principally Diſponed and Evicted.

CHARLES —— To Our Lovits —— Our Sheriffs in that part, and Meſſengers *reſpective*, Conjunctly and Severally, Specially conſtitute; Greeting, Forſameikle as, it is humbly meant and ſhown to us by *A. B.* of —— that where *C. D.* of —— by his Right and Diſpoſition, of the Date the —— day of —— 16— years, (for the onerous Cauſes therein ſpecified (Sold, Annalized and Diſponed to the ſaid Purſuer his Heirs and Aſſigneys whatſomever heretably and irredeemably, all and hail the Lands and

others

others after ſpecified, viz. (*inſert them as in the Diſpoſition*) lyand within the Parochin of —— and Sheriffdom of —— and that as for the Principal, and als and hail the Lands and others after-mentioned, *viz.* (*here inſert the Warrandice Lands as alſo in the Diſpoſition*) lyand within the Parochin of —— and Sheriffdom of —— and that in Real Warrandice, and ſpecial Security of the Lands, and others principally above diſponed with the Pertinents, ſo that if it ſhould happen the ſaid Purſuer, or his foreſaids to be diſquieted in the peaceable Poſſeſſion, Bruiking and joyſing of the ſaid Principal Land, or any part or portion thereof, and the ſame to be evicted frae them, then and in that Caſe the ſaid Purſuer and his foreſaids ſhould have full and free Regreſs, Ingreſs, and Acceſs in and to the ſaids Lands, and others above ſpecified, diſponed in Real Warrandice as ſaid is, or any part or portion thereof, and readieſt Mails, Ferms, Caynes, Cuſtoms, Caſualites, Profits and Duties of the ſame, at leaſt in and to ſua much thereof, as ſhould effeir and correſpond in Quantity, Quality and yearly Duty to the Eviction, and the ſaid *C. D.* band and obliged him his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid Purſuer and his foreſaids heretably and irredeemably, and as Principal and Real Warrandice *reſpective* therein, and that by double Inſeſtments and manner of Holdings, to be holden, and with abſolute Warrandice in manner ſpecified in the ſaid Diſpoſition, conform whereunto, Procuratory of Reſignation therein contained, Reſignation and Charter following thereupon under Our Great Seal containing Precept of Seaſin, Dated the —— day of 16 —— years, the ſaid Purſuer was upon the —— day of —— thereafter lawfully infeft in the ſaids Lands and others above-diſponed, with the Pertinents both Principal and Warrandice as the ſaid Diſpoſition, Charter and Seaſin, duely regiſtrat conform to ſo the Act of Parliament, in themſelves more fully propoſt, and true it is after the ſaid Purſuer had acquired the ſaid Right there was an Action commenſed againſt the ſaid Lands principally above diſponed, and Tennents and Poſſeſſors thereof, and likeways againſt the ſaid Purſuer at the Inſtance of *H. D.* of —— before our Lords of Council and Seſſion, touching, (*here inſert the Concluſion of that, H. D.* —— his Summonds whether Mails and Duties, Removing, Reduction or otherways) at leaſt the Purſuers Tennents being conveened, the Purſuer not only intimat the Diſtreſs to the ſaid *C. D.* in due time, and before *Litis-conteſtation* in the Cauſe, as Inſtruments taken thereupon in the hands of —— Nottar publick more fully bears, but alſo the time of the calling of the ſaid Action (6) he compeared by his Advocats, and proponed all the Defences that he knew were competent againſt the ſame; And yet notwithſtanding the ſaids Lords by their Decreet then given and pronunced by them in the ſaid matter, upon the —— day of —— 16 —— years, (*here inſert the words of the Decerniture and Eviction*) as the ſaid Decreet in it ſelf alſo more fully bears, and which Lands and others foreſaids ſua evicted as ſaid is, amount in yearly free Rent to —— Chalders Wheat, —— Chalders Beer, —— Chalder Oat-Meal, —— Chalder Oats, and —— Chalder Rye and Peaſe, and to —— Silver-Rent attour —— Wedders, and —— Hens and Capons, and beſides all Services preſtable by any other Lands, and Tennents and Poſſeſſors thereof to the Heretor and Maſter; Where-through in all Law Equity and Juſtice, and conform to the Nature and Tenor of the ſaid (7) real Warrandice, the ſaid Purſuer ought and ſhould have full and free Ingreſs and Acceſs in and to the ſaid warrandice Lands, at leaſt ſo much thereof as may correſpond, and be effeirand in Quantity, Quality, and yearly Duty to the ſaid Eviction, and for that effect, the ſaid *C. D.* ought and ſhould enter him to the real, actual and peaceable Poſſeſſion thereof, ſetting and raiſing of Tennents, and intromiſſion with the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame, of the Crop and year of God 16 ——

years, (being the first Cropt and year of the said Eviction, and yearly sensyne, and in all time-coming, at least ay and while the said Eviction be purged, and that the said Pursuer and his foresaids be restored, reponed and retrocessed to the Right and Possession of the Lands, and others principally above disponed, with the Pertinents, and evicted from him in manner foresaid; And albeit it be of verity that the foresaid Eviction has taken effect, and that what evicted amounts in yearly free Rent to the particular Quantity and Quality above-specified, and of the Cropt above-mentioned, and that the said Pursuer (in respect thereof) has oft and divers times desired and required the said Defender to enter him to the actual, real and peaceable Possession of the said (8) Warrandice Lands, (at least so much thereof as may correspond to the said Eviction) and to the setting and raising of Tennents, and Intromission with the Mails, Profits and Duties, Customs and Services of the same after-specified, yearly the Cropts and years after-mentioned; And likewise desired and required the Persons *respectivè* after-named, Tennents and Possessors of the saids Warrandice Lands, to have made payment to him of the haill Mails, Farms, Kains, Customs, Casualities, Profits and Duties of the Lands and others above and after-specified disponed in reall Warrandice, as said is, and that of the said Cropt and year of God 16 —— years, (being the first year of the said Eviction,) and sicklike yearly sensyne, or of the Avails, Estimations and Prices of the same after-mentioned, ilk ane of them for their own parts, and according to their several Proportions of the same, as is particularly after-divided, *viz.* (*here leave blank for a sheet of Paper*) and in like manner to make payment to the said Pursuer of the like Mails, Farms, Kains, Customs, Casualities, Profits and Duties, and usual Services in time-coming, at least so much thereof as shall effeir and correspond to the said Eviction, and ay and while the said Eviction be purged, and that the said Pursuer and his foresaids be reponed, restored and retrocessed to the Right and Possession of the Lands, and others principally above-disponed, with the Pertinents, and evicted from him in manner foresaid, conform to the said Disposition, Infeftment following thereupon, Nature and Tenor of the said real Warrandice, and Laws and daily Practique of this our Realm, heretofore inviolably observed in the like Cases in all Points; Nevertheless, they wrongously refuse, postpone and defer to do the same, without they be compelled as is alledged. *Our Will is herefor*, and we charge you, that ye lawfully Summond, Warn and Charge the said *C. D.* of —— Heretor of the saids Warrandice Lands, and the saids (*leave blank for* 8 *Lines*) Tennents and Possessors of the same, personally, or at their dwelling-places on twenty one days warning, to compear, &c. to answer at the Instance of the said Pursuer in the said matter, *That is to say*, the saids Defenders to hear and see the Premisses sufficiently verefied and proven to be of verity: And the same being sua verified and proven, the said *C. D.* to hear and see himself Decerned by Decreet of our saids Lords of Council and Session, to enter the said Pursuer to the actual, real and peaceable Possession of the saids warrandice Lands, at least to so much thereof as may correspond to the said Eviction, and to the setting and raising of Tennents, and Intromission with the Mails, Farms, Kains, Customs, Casualities, Profits, Duties and Services of the samen, above and after-specified, yearly the Cropts and years above and after-mentioned, and in like manner the fore-named Persons, Tennents and Possessors of the saids Lands, and others foresaids disponed in real Warrandice as said is, to hear and see themselves decerned by Decreet foresaid, to make payment to the said Pursuer of the haill Mails, Farms, Kains, Customs, Casualities, Profits and Duties of the same, and usual Services of the said Cropt and year of God 16 —— years, (being the first Cropt and year of the Eviction) and sicklike yearly sensyne, or of the Avails, Estimations and Prices of the same above

bove-written, ilk an of them for their own Parts, and according to their ſeveral Proportions thereof, as is particularly above-divided; And likeways to make Payment to him of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties, with the uſual Services yearly in time-coming, at leaſt ſo much thereof as ſhall effeir and correſpond to the ſaid Eviction, and ay and while the ſaid Eviction be purged, and that the ſaid Purſuer and his foreſaids be reponed, reſtored and retroceſſed to their own Right and Poſſeſſion of the Lands and others principally above-diſponed, with the Pertinents, and evicted from him in manner foreſaid, after the Form and Tenor of the ſaid Diſpoſition, Infeftment following thereupon, Nature and Tenor of the ſaid real Warrandice, and Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all Points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done: With Certification to the ſaid Defender if he failzie, Our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and Decern therein in manner foreſaid; (*Inſert a ſecond Dyet, and then conclude with* according to Juſtice as ye will Anſwer ----

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SUMMONDS of Regreſs to Lands diſponed by way of Permutation and Excambion upon the Eviction of haill or part of one of the Intereſts diſponed.

CHARLES —— To Our Lovits — Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially Conſtitute, Greeting: Forſameikle as it is humbly meant and ſhown to us by *G. D.* of —— That where by Contract made and paſt betwixt the ſaid Purſuer on the one part, and *C. D.* of — on the other part, of the date the —— day of — 16 and —— years, the ſaid *C. D.* for the Lands of —— and others thereby diſponed to him by the Purſuer) Sold, Annualzied and diſponed to the ſaid Purſuer, his Heirs and Aſſigneys whatſoever heretably and irredeemably, all and haill the Lands of — lying within the Parochen of —— and Sheriffdom of ——, and that in Excambion, and Permutation of the ſaid other Lands diſponed to him by the Purſuer as ſaid is, and bound and obliged him, his Heirs and Succeſſors duely and ſufficiently to infeft and ſeaſe the ſaid Purſuer, and his foreſaids therein by double Infeftments and manner of Holdings to be holden and with abſolute Warrandice, in manner therein expreſt, and likeways conſtitute the ſaid Purſuer and his foreſaids, his Aſſigneys, in and to the Mails and Duties of the ſaids Lands and others foreſaids, and in and to the Tacks and Rights of the Teinds thereof, and that of the Cropt and year of God 16 —— years, and yearly thereafter in all time-coming, and all Action, Purſuit and Inſtance competent, or that might be competent thereupon for ever, and beſides the abſolute Warrandice contained in the ſaid Contract; It is thereby ſpecially and expreſly provided and declared, that in caſe any of the Lands or Teinds diſponed by the ſaids Parties to one another ſhould happen at any time thereafter to be evicted from them; That then, and in that caſe, it ſhould be lawful to, and in the power of that Perſon from whom the Lands diſponed ſhould happen to be evicted to recur upon, and have full and free Regreſs, Ingreſs and Acceſs to his own Lands and others ſua diſponed, at leaſt ſo much thereof as ſhould effeir and correſpond, in quantity, quality and yearly Duty to the Eviction, and peaceably to Poſſeſs, Brook and Enjoy the ſame, and intromet with, uſe and diſpoſe upon the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof, ficklike in the ſame manner, and als fully and freely in all reſpects as if the ſaid Excambion had never been made, and that *brevi manu*, at his own hand, without any hazard of Intruſion, or peril

of Ejection to be ſuſtained or incurred there-through, or neceſſity of Declarator to follow thereupon, and with and under the which expreſs Condition, Proviſion and Declaration the foreſaid Excambion was made, and the ſaid Contract entered into, and no otherways, and conform to the which Contract and Precept of Seaſin therein contained, the ſaid Purſuer was upon the —— day of —— 16 —— years, lawfully Infeft in the ſaids Lands, and others foreſaids diſponed to him by the ſaid *C. D.* as ſaid is, and with the Recurrancie above-ſpecified to the ſaid other Lands diſponed by the Purſuer to him in Excambion thereof, in caſe of Eviction, in manner above-expreſt, and accordingly confirmed by the Superior, conform to the Charter granted thereanent, of the date the —— day of —— 16 —— years, as the ſaid Contract of Excambion, Seaſin following thereupon, and Charter of Confirmation thereof in themſelves more fully proport; And true it is, that after the ſaids Parties entered in the foreſaid Contract, and that the ſaid Purſuer was Infeft, and confirmed in manner foreſaid, and accordingly in the actual Poſſeſſion of the ſaids Lands, and others foreſaids diſponed to him by the foreſaid Contract, there was an Action commenced againſt the ſaids Lands and others foreſaids ſua diſponed to him by the ſaid *C. D.* and Tennents and Poſſeſſors thereof, and againſt the ſaid Purſuer, at the Inſtance of *H.D.* of——before the Lords of Council and Seſſion, Touching (*here inſert the Concluſion of the ſaid* H. D. *his Summonds, whether Mails and Duties, Removing, Reduction, or otherways*) at leaſt the Purſuers Tennents being conveened, the Purſuer not only Intimat the Diſtreſs to the ſaid *C. D.* in due time, and before *Litis-conteſtation*, in the Cauſe as Inſtrument taken thereupon in the hands of —— Nottar publick bears, but alſo the time of the calling of the ſaid Action, (*here take in the Stile of the former Summonds from this Figure of* (6) *till ye come to the* (7) *Figure, and then ſay*) Contract of Excambion (*in place of the words Real Warrandice*) *after which continue the former Stile till ye come to the* (8) *Figure, and then ſay*: Of the ſaids Lands and others above-ſpecified, diſponed by the ſaid Purſuer to him, in manner above-mentioned, and in lieu and place of the Lands evicted in manner foreſaid, at leaſt ſo much thereof as may effeir and correſpond to the ſaid Eviction, and to the ſetting and raiſing of Tennents, and Intromiſſion with the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits, Duties and Services of the ſame after-ſpecified, yearly the Cropts and Years after-mentioned, and likewiſe deſired and required the perſons *reſpective* after-named, Tennents and Poſſeſſors of the ſaids Lands and others foreſaids diſponed by the Purſuer to the ſaid *C. D.* as ſaid is, in Permutation and Excambion in manner foreſaid, to have made payment to him of the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame under-written of the ſaid Cropt and year of God 16 —— years, being the firſt year of the ſaid Eviction) and ſicklike yearly ſenſyne, or of the Avails, Eſtimations and Prices of the ſame after-ſpecified, ilk ane of them for their own parts, and according to their ſeveral Occupations and Proportions thereof, as is particularly after-divided, *viz.* (*here leave blank for a ſheet*) and in like manner to make payment to the Purſuer of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties, and uſual Services yearly in time-coming, at leaſt ſo much thereof as will effeir and correſpond to the ſaid Eviction, and ay and while the ſaid Eviction be purged by the ſaid Defender, and that the ſaid Purſuer and his foreſaids be Reponed, Reſtored and Retroceſſed to the Right and Poſſeſſion of the ſaids Lands, and others above-mentioned, with the Pertinents diſponed to them by the ſaid *C. D.* by vertue of the ſaid Contract, and evicted from him in manner foreſaid, after the Form and Tenor of the ſaid Contract, Infeftment following thereupon, Confirmation thereof by the Superior, Nature and Quality of the ſaid Permutation and Excambion, Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, in all Points;

Nevertheleſs

Nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaid *C. D.* who diſponed to the ſaid Purſuer the Lands and others above-evicted, and accepted of the Right of the ſaid other Lands, and others above-ſpecified in Permutation and Excambion thereof, and with the Proviſion and Quality of the ſaid Recurrancie thereto in caſe of Eviction, in manner above-mentioned, and als the ſaids —— (*leave blank for* 8 *Lines*) Tennents, Poſſeſſors and Occupyers thereof perſonally, or at their dwelling-places on twenty one days warning, to compear before our ſaids Lords of Council and Seſſion, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter: *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſame being ſua verefied and proven, the ſaid *C. D.* to hear and ſee himſelf decerned by Decreet of the ſaids Lords, to enter the ſaid Purſuer to the Real Actual and peaceable Poſſeſſion of the ſaids Lands, and others foreſaids diſponed by the Purſuer to him (in Permutation and Excambion of the ſaids Lands and others, with the Pertinents diſponed by him to the Purſuer, and now evicted from him in manner foreſaid) at leaſt ſua much thereof as may effeir and correſpond to the ſaid Eviction, and to the ſetting and raiſing of Tennents, and to the Intromiſſion with the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits, Duties and Services of the ſame above-ſpecified, of the Cropts and years of God above-mentioned, And in like manner, the forenamed perſons, Tennents, Poſſeſſors and Occupyers of the ſaids Lands, and others foreſaids ſo diſponed by the ſaid Purſuer to the ſaid *C. D.* in Excambion as ſaid is, to hear and ſee themſelves decerned by Decreet foreſaid, to make payment to the ſaid Purſuer, of the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame, with the uſual Services of the ſaid Cropt and year of God 16—— years, (being the firſt Cropt and year of the ſaid Eviction) and ſicklike yearly ſenſyne, or of the Avails, Eſtimations and Prices thereof above-written, ilk an of them for their own parts, and according to their ſeveral proportions thereof, as is particularly above-divided, and in like manner to make payment to him of the like Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties, with all the uſual Services yearly in time-coming, at leaſt ſua much thereof as may effeir and correſpond to the ſaid Eviction, and ay and while the ſaid Eviction be purged by the ſaid Defender, and that the ſaid Purſuer and his foreſaids be reponed, reſtored and retroceſſed to his own Right and Poſſeſſion of the ſaids Lands, and others foreſaids diſponed to him by the ſaid Defender, and now evicted from him as ſaid is, after the Form and Tenor of the ſaid Contract, Infeftment following thereupon, Confirmation thereof by the Superior, Nature and Quality of the ſaid Permutation and Excambion, and Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all Points, or elſe to alledge a reaſonable cauſe, *&c.* to conclude the Certification and ſecond Dyet as in the preceeding Summonds, and then according to Juſtice as ye will anſwer——

SUMMONDS of Moleſtation and wrongous Intromiſſion.

CHARLES —— to our Lovits —— our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially Conſtitute; Greeting. *Our Will is*, and we charge you that ye lawfully Summond, Warn and Charge *W. F.* of —— (*leave blank for moe Defenders if any be*) perſonally or at their Dwelling places on 21 days Warning, to compear (as

in the former Summonds, till ye come to) to anſwer at the Inſtance of G. D. of —— and *A. B. C. D. G. H. in* —— his Tennents in manner following, that is to ſay, the ſaids Defenders for the wrongous violent and Maſterfull coming by themſelves, their Servants, Complices, and others in their Names of their cauſing, ſending, hounding out Command, Reſſait and Aſſiſtance to the ground of the Lands of —— then and now poſſeſt by the Purſuers, and that upon the —— day of ---- 16 ---- years, or an or other of the days of the ſaid Moneth, and there in the wrongous violent and Maſterfull troubling and moleſting the Purſuers in the peaceable Poſſeſſion of the ſaids Lands, and intrometting with, and away taking frae the ſaid *A. B. C. D.* and *G. H.* the other Purſuers of the ground of the ſaids Lands, and Property or Commonty thereof, and out of their Houſes and Sheallings, being thereupon the particular Goods, Gear, Horſe, Nault, Sheep, Inſight, Pleniſhing, Furniture, and Neceſſaries of Labouring, Corns, Cattel, Timber, Deals, and others *reſpective* after ſpecified, of the Avails, Quantities, Eſtimations, and Prices after-mentioned, *viz.* (*leave blank for a ſheet*) and which Goods, Gear, Corns, Cattel, and others above-ſpecified, pertained to the ſaids *A. B. C. D. G. H.* Purſuers, and were then in their Poſſeſſion as their own proper Goods and Gear, by uſing and diſpoſing thereupon, and doing and performing all Deeds of Right and Poſſeſſion requiſite and neceſſar therewith at pleaſure, likeas the ſame were worth, and would have yeelded, and given in value and eſtimation the particular Rates and Prices above-mentioned, had not the ſame been wrongouſly intrometted with, and away taken by the ſaids Defenders by themſelves, and their foreſaids of their cauſing and command as ſaid is frae the Purſuers but had been ſuffered and permitted by them to have remained with, and in the Poſſeſſion of the ſaid Purſuers as formerly; likeas the ſaid Defender have wrongouſly detained, and withholden the ſaids Goods, Gear, and others foreſaids, with the uſe thereof, and benefit of the ſame frae the ſaids Purſuers, ever ſince, now by the ſpace of —— and thereby, and by the Purſuers their being forced to buy other Goods to labour their Land, and for their other Accomdation, damnified and prejudged them in the Sum of ----- *Scots* Money, conform to a particular Accompt thereof, a part here holden as for expreſt, and eſteemed as a part of this preſent Libel *brevitatis cauſa*, and therefore the ſaids Defenders to hear and ſee it found and declared, that they have done wrong in the ſaid Moleſtation and wrongous Intromiſſion with, and away taking of the ſaids Goods, Gear, Corns, Cattel, and others foreſaids, in manner, and at time above ſpecified; and likewiſe in the wrongous keeping, withholding, and detaining the ſame frae the Purſuers, with the uſe and benefit thereof ever ſince, now by the ſpace above written, and thereby damnifieing them as ſaid is, and the ſame being ſua found and declared, the ſaids Defenders to hear ſee themſelves decerned and ordained by Decreet of the ſaids Lords to reſtore and deliver to the ſaids *A. B. C. D.* and *G. H.* Purſuers, the foreſaids Goods, Gear, Corns, Cattel, Inſight, Pleniſhing, and others above-ſpecified, wrongouſly intrometted with, and away taken frae them in manner and at the time above expreſt, by the ſaids Defenders and their foreſaids, of their cauſing and command as ſaid is, and that to the ſaid ground and place forth of which the ſame were taken, and in als good caſe and condition as the ſame were the time aforeſaid, of the wrongous Intromiſſion with, and away taking thereof, or els to make payment to the ſaids Purſuers of the Avails, Eſtimations and Prices of the ſame above-mentioned, which the ſame were worth, and would have yeelded to the ſaids Purſuers, had the ſaids Goods, Gear, and others foreſaids, been ſuffered to have remained in their Poſſeſſion, and not wrongouſly intrometted with, and away taken from them by the Defenders and their foreſaids, of their cauſing and command as ſaid is, in manner and at the time

above

above ſpecified, and ſicklike to make payment to them of the foreſaid Sum of —— Money foreſaid, wherein they are Damnified and prejudged by their wrongous Intromiſſion, and keeping, detaining, and withholding the ſaids Goods, Gear, and others foreſaids, with the uſe and benefit thereof frae the Purſuers ever ſince the ſaid wrongous Intromiſſion, and thereby forcing the Purſuers to buy other Goods to Labour the Ground, and for their other Accommodation in manner above expreſt, and to which Sum the ſaid Damnage (attour the Prices of the ſaids Goods) ought and ſhould be liquidat by the ſaids Lords, conform to the Laws and daily Practique of this our Realm uſed and obſerved in the like Caſes in all points, or els to alledge an Reaſonable Cauſe *&c.* to conclude the Certification and ſecond Dyet as in the former Summonds: and then according to Juſtice as ye will anſwer. *&c.*

SUMMONDS of DECLARATOR of PROPERTY and COMONTY.

CHARLES —— To our Lovits —— our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially conſtitute; Greeting, Forſameikle as it is humbly meant and ſhown to us by *H.* D. of —— that where upon the —— day of —— 16 -- years, the ſaid Purſuer was heretably infeft and ſeaſed in all and hail the Lands of (*here inſert the Lands with the General Clauſe*, Houſes, Biggings, Yards, *&c.* as in the Seaſing) lyand within the Parochin of —— and Sheriffdom of --- as the Inſtrument of Seaſin granted to him thereupon, under the Sign and Subſcription of — Nottar publik, and duely regiſtrat conform to the Act of Parliament, in itſelf more fully proports; by vertue whereof the ſaid Purſuer, as alſo his Predeceſſors and Authores conform to their Rights and Infeftments, have not only by themſelves and their Tennents been in the peaceable Poſſeſſion of the ſaids Lands and others foreſaids, and within the hail Bounds after-ſpecified, *viz.* (*leave blank for half ſheet*) as the indoubted and incontravertable Property of the ſame, either ſet down, appointed and deſigned by the late or original Rights and Infeftments of the ſame, Paſt preſcription or otherwiſe agreed to and condeſcended upon, by Decreets Arbitral and Indentures of Marches, at leaſt ſo holden eſteemed and repute, paſt all Memory of Man, and that by Tilling, Labouring, and Manuring of the ſaids Lands and others foreſaids, or greateſt part thereof, Ditching, Stanking, and incloſing other parts, Building and Rearing up Houſes, Kills, Barns, Yards, and other Accommodations for Heretor and Tennents thereupon, and doing and performing all other Deeds of Propertie of the Law requiſit and neceſſar, particularly by excluding and debarring the next adjacent Heretor and neighbours from incroaching thereupon, or doing any open and publick Act of Property or Comontie within the ſame Lands, and Bounds, and Limits thereof above ſpecified, and ſicklike the ſaid Purſuer and his ſaids Predeceſſors and Authors by themſelves and their Tennants, have been in the peaceable Poſſeſſion of the Moſſes, Muires, and Bounds particularly after mentioned, *viz.* (*leave blank for half ſheet*) and that as the indoubted, conſtant, perpetual and incontravertible Commonty of the ſaids Lands, and ſo holden and repute (alſo paſt all Memory of Man) by Caſting, Winning, Leading, and away taking in, and furth and from the ſaids Moſſes and Muires, and other parts and places above-ſpecified, and within the Bounds and Limits above-mentioned, Peats, Turffs, Fewel, Baggage, Clay, Earth, Stone, Divots and Hedder, Fir-trees and Blocks, and what elſe the ſaids Bounds could afford, and that for the uſe, Utility and Benefite of his ſaid Lands and Eſtate, Heretors, Tennents, Poſſeſſors

and Occupyers thereof, and likeways by Paſturing and Hearding of their Horſe, Meirs, Nolt, Sheep, and other Cattel and Goods thereupon, and by doing and performing all other Deeds of Commonty of the Law requiſite and neceſſar, and all till of late, and that in the month of —— laſt bypaſt, *W. H.* of —— next adjacent Heretor on the Eaſt, *W. M.* next adjacent Heretor on the Weſt, *P. T.* next adjacent Heretor on the ſouth, and *T. W.* next adjacent Heretor on the North Parts, to the ſaids purſuers Lands, by themſelves, their Children, Men-Tennents, Servants, Cotters and Dependers, and others in their Names, of their Cauſing, Sending, Hounding-out, Command, Reſet and Aſſiſtance, daily and continually Moleſt, Trouble and Oppreſs the ſa'd Purſuer, his Men-tennents, Servants, Cotters and Dependers in the peaceable Poſſeſſion, Bruiking and Joycing of the ſaids Lands and others above-ſpecifie, pertaining heretably to him in Property, and likeways of the ſaids Moſſes, Muirs, and others above-mentioned, pertaining to him in Commontie, (and whereof he and his ſaid Predeceſſors and Authors, and their Tennents have been in the peaceable and Immemorial Poſſeſſion, in manner, and by doing and performing the Deeds of Property and Commontie above-expreſt) and that by the ſaids Defenders, and (*leave blank for a quarter of ſheet*) their Tennents and Poſſeſſors of their ſaids Lands next adjacent, and others in their Names of their cauſing, and Command as ſaid is, their Raiſing, Removing, Taking away and Burying and hiding under ground of ſeveral of the March-Stones of his ſaid Property, Bigging of Houſes, Shealings, Foldykes and Incloſures within the bounds thereof, making of Stanks and Aquaducts therein, Tilling, Labouring and Manuring of ſeveral Parts and Portions thereof, and ſowing of Corns therein, paſturing and hearding of their Cattel and Goods thereupon, Caſting, Winning, Leading, and away-taking of Fewel, Foggage, Feall, Stone and Divot furth thereof, breaking of his Quarries, and Winning and taking-away Stone furth of the ſame, Pulling, Cutting, Leading, and away taking of Hedder and Wood of the bounds of the ſaids Lands (*here inſert any furder Deeds of Moleſtation, if any be, and according as ye are informed, and then ſay*) and alſo by hunding of the Purſuer and his ſaids Tennents their Beſtial and Goods furth of the ſaid Commontie, and not ſuffering them to paſture thereon as formerly, and by Parking, Dyking, and incloſing ſeveral Parts and Portions of the ſame, ſowing Corns therein, even in other parts and places of the ſaid Commontie out with the ſaids Parks, Dykes and Incloſures, building and making up Damms, Aquaducts and Water-gangs upon the ſaid Commontie for the uſe of Milns on their own Property, thereby occaſioning Fludders, Ditches, Stanks and hollow and deep Pits, Pots and Places, to the great hazard and danger of the Purſuer and his ſaids Tennents, and their ſaids Cattel and Goods paſturing and herding therein, and in effect act and do ſeveral other Deeds of Property within the ſaid Commonty, thinking thereby not only to appropriat the ſame which was formerly Commontie, but alſo a great part of the Purſuers Property aforeſaid. In fine, and by a continued Poſſeſſion to themſelves in Property, and to debar and exclude the ſaid Purſuer and his Heirs and Succeſſors, and their ſaids Tennents therefrom in all time-coming, without Remeed be provided thereto, and therefore it ought and ſhould be found and declared by Decreet of our ſaids Lords of Council and Seſſion, that the ſaid Purſuer and his Predeceſſors and Authors (6) by vertue of their ſaids Rights and Infeftments, and immemorial Poſſeſſion by themſelves and their Tennents had, likeas they have good and indoubted Right to the ſaids Lands and others above-ſpecified, contained in the Purſuers Infeftment, and that in Property, and likeways to the Moſſes, Muirs, and others above-mentioned, and within the particular and ſpecial Bounds and Limits above-written in perpetual Commontie, and conſequently of debarring and excluding the ſaids Defenders and their Tennents and Poſſeſſors of the reſpective

pective adjacent Lands from doing any Deed of Property or Commonty hereafter, within the Bounds, Marches & Meiths of the said Pursuer his Lands & others foresaids with the Pertinents belonging to him in Property as said is, & sicklike from doing any Deed of Property in any time-coming within the said Mosses, Muires & others above-specified belonging to the said Pursuer and Defenders only in Community, in manner foresaid, and that the said Defenders have done wrong and committed manifest and open Molestation, Violence and Oppression in the foresaid late Alteration and Novation; and the same being sua found and declared, the said Defenders ought and should be decerned to raise up the March-stones, where they buried and layed them, and to set up and place them where they were formerly, as also to cast down and demolish all the Folds, Houses, Dykes and Inclosures built and reared up by them, within the said Pursuer his Property or Commonty aforesaid; and to fill up with Earth the said Stanks, Ditches and Aquaducts, and throw down the said Dams built by them within any part of the said Property or Commonty, and to fill up the said Fludders and hollow places occasioned by them and their said late Alterations and Novations, and not to Labour or Manure what already brought in by them to the perfection of arable Land within the said Commonty, or make any other use thereof for the future further than in Commonty with the Pursuer as formerly; And lastly, they and their Tennents decerned to desist and cease from all further troubling or molesting the said Pursuer or his foresaids, or their Tennents, or invading or incroaching upon the said Pursuers Property any manner of way, or yet upon the said Commonty further than in Common; and according to use and wont, and as before the said late Alteration and Novation by whatsoever manner of way in time-coming, after the Form and Tenor of the said Pursuer and his Predecessors and Authors, their Rights and immemorial Possession, Laws and daily Practique of this our Realm, heretofore inviolably observed in the like cases, in all Points (7.) as is alledged. *Our Will is heresoe*, and we charge you, that ye peremptorly Summond, Warn and Charge the said Defenders and their said Tennents, *viz.* (*here insert the Tennents names*) for themselves, and in name and behalf of their Successors, Heretors, Tennents and Possessors of the said next adjacent Lands to the Pursuers Lands aforesaid, personally, or at their dwelling places on twenty one days warning, and all others having or pretending to have Interest in the said Matter, by open Proclamation at the Mercat-Cross of ——— and other places needful, to compear before our said Lords of Council and Session (*as in the former Stiles till ye come to*) to answer at the Instance of the said Pursuer in the said Matter. *That is to say*, the the said Defenders to hear and see it found and declared by Decreet of the said Lords, that the said Pursuer and his Predecessors and Authors; *To conclude according to the above-written Subsumption from this* (6) *Figure, till ye come to this* (7) *Figure, only whereas the Subsumption says*, ought and should be found and declared, *ought and should be decerned, ye must in the Conclusion say*, to hear and see it found and declared, and to hear and see themselves decerned. *And then say*, Or else to alledge a reasonable Cause why the same should not be done, with Certification to the said Defenders if they failzie, our said Lords of Council and Session will proceed in the said Matter, and find, decern and declare in manner foresaid, *to insert a second Dyet in common form, with this Alteration, viz.* after the words therein, they shall be holden as confest, and Decreet given and pronounced against them in the said Matter, *add these words*, Finding, Decerning, and Declaring in manner foresaid. *According to Justice as ye will answer* ——

Nota, *There was no necessity to set down the former Summonds of Molestation* (*had not wrongous Intromission been therein conjoyned*)

becauſe that of Moleſtation is comprehended naturally in the above-writen Summonds of Declarator of Property and Commonty, and in effect is moſtly uſed, the Summonds of Moleſtation being but for the preſent Act, but the other a perpetual Deciſion, and ridding of Marches, both as to Property and Commonty.

SUMMONDS of General Declarator of a Single Eſcheat diſponed by the King, and becauſe this and all other Summonds (wherein the King is concerned) muſt have a Bill, and wherein the Kings Advocat for the Kings Intereſt muſt be Complainer (as well as the Party; therefore I have firſt ſet down the Bill of this Summonds, as I intend of all the reſt wherein the King may be concerned as ſaid is.

MY Lords of Council and Seſſion, unto your Lordſhips humbly ſheweth, *A. B.* of —— Donator after-ſpecified, and *S. G. M.* of —— His Majeſties Advocat for His Highneſs Intereſt, in the matter under-written; That where His Majeſty with conſent of the Lords of His Highneſs Theſaury and Exchequer, by His Letter of Gift under the Privy Seal, of the date the --- day of— 16 --- years, Gave, Granted and Diſponed to me the ſaid *A. B.* my Heirs and Aſſigneys, one or moe, the Eſcheat of all Goods, Gear, (*here inſert the words of the Gift, as to the donative part, and then ſay*) whilks pertained of before to *H. D.* of —— the time after-ſpecified of his Denunciation to the Horn, for the Cauſe after-mentioned, or whilks pertained to him at any time ſenſyne, or that ſhall happen to fall, accreſs, appertain and belong to him in any time coming during his Rebellion, then pertaining and belonging to His Majeſty, and fallen and become in His Highneſs Hands, and at His Gift and Diſpoſition, by reaſon of Eſcheat-Laws and Practique of this Realm, and inherent Priviledge of His Highneſs Crown, through being of the ſaid H. *D.* of —— upon the —— day of —— 16 —— years, orderly denunced Rebel, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt him, at the Inſtance of *W. M.* of —— for not payment making to him of the Sum of— *Scots* Money of Principal —— Money foreſaid of Expenſes, and Annuals of the ſaid principal Sum, ſpecified and contained in a Bond made and granted by the ſaid Rebel to him thereupon, of the date the —— day of —— 16 —— years, Regiſtrat in the Books of Council and Seſſion, the —— day of —— 16 —— years, as the ſaid Letter of Gift of the date foreſaid in it ſelf more fully proports, by vertue whereof, His Majeſty had, likeas I as Donator foreſaid, have ſufficient good and indoubted Right and Intereſt in and to the foreſaids eſcheatable Goods, Gear and others foreſaids, and I as Donator foreſaid ought and ſhould be anſwered, obyed and payed thereof, and in order thereto, the ſaid Gift declared conform to the Laws and daily Practique of the Kingdom, in that caſe provided. *Herefore* I beſeech your Lordſhips, that I as Donator foreſaid, with Concourſe of His ſaid Majeſties Advocat, may have Summonds of General Declarator in the Premiſſes againſt the ſaid Rebel, on twenty one days, *&c.* and all Parties having or pretending to have Intereſt, as I pleaſe libel, to be tabulat in his Majeſties Table, and called by the Order and Priviledge thereof, conform to your Lordſhips daily Practique, and Order uſed and obſerved in the like caſes, and your Lordſhips Deliverance to be granted thereanent, and your Lordſhips Anſwer.

Nota, *This Bill the Writer ſubſcribes, and ſo does the King's Advocat or his Truſtee, and the Advocat gets his Dues, and his Servant his,*

his, if the Rebel be dead, his eldeſt Son and neareſt of Kin muſt be conveened in the Declarator, as alſo his Relict qua Defenders.

SUMMONDS of General Declarator on the ſaid Bill.

CHARLES —— To our Lovits —— Our Sheriffs in that part, conjunctly and ſeverally, ſpecially Conſtitute, Greeting: Forſameikle as it is humbly meant and ſhown to us by *A. B.* of —— Donator after-ſpecified, and Our Truſtee and well-beloved Counſellor S. *G. M.* of —— Our Advocat for our Intereſt in the matter under-written; That where (6) We with conſent of the Lords of our Theſaury and Exchequer, by our Letters of Gift under our Privy Seal, of the date the —— day of —— 16 —— years, gave, granted and diſponed to the ſaid *A. B.* his Heirs and Aſſigneys, an or more, the Eſcheat of all Goods, Gear, (*here inſert the words of the Gift as to the Donative part, and then ſay*) Whilks pertained of before to *H. D.* of —— the time after-ſpecified of his Denunciation to the Horn, for the cauſe after-mentioned, or whilks appertained and belonged to him at any time ſenſyne, or that ſhall happen to fall, accreſs, appertain and belong to him in any time-coming during his Rebellion, then pertaining and belonging to us, fallen and become in our Hands, and at our Gift and Diſpoſition, by reaſon of Eſcheat Laws, and Practique of this Realm, and inherent Priviledge of our Crown, through being of the ſaid *H. D.* upon the —— day of —— 16 —— years, orderly denunced Rebel and put to the Horn, by vertue of Letters of Horning raiſed, uſed and execute againſt him, at the Inſtance of *W. M.* of —— for not payment making to him of the Sum of —— uſual Money of this Realm, as principal, the Sum of — Money foreſaid of Expenſes and Annualls of the ſaid Principal Sum ſpecified and contained in a Bond, made and granted by the ſaid Rebel to him thereupon, of the date the —— day of —— 16 —— years, Regiſtrat in the Books of Council and Seſſion upon the —— day of —— 16 —— years, as the ſaid Letter of Gift of the date foreſaid in it ſelf more fully is contained (7) By vertue whereof, We, and conſequently our ſaid Donator, have ſufficient good and indoubted Right and Intereſt in and to the foreſaid Eſcheatable Goods, Gear and others foreſaids, and the ſaid *A. B.* as Donator foreſaid, ought and ſhould be Anſwered, Obyed and payed thereof, and therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that the ſaid *H. D.* was orderly denunced Rebel, and put to the Horn (8) by vertue of the ſaids Letters of Horning, and at the Inſtance of the ſaid *W.* M. in manner, at the time, and for the cauſe above-ſpecified, and duely regiſtrat thereat, as ſaid is, and that there-through the Eſcheat of the ſaid haill Goods, Gear, Debts, Sums of Money, and others foreſaids pertaining to the ſaid *H. D.* the time of the ſaid Rebellion, or whilk pertained to him at any time ſenſyne, and that ſhall happen to fall, accreſs, appertain and belong to him in all time-coming during his Rebellion, now pertains and belongs to us, and is fallen and become in our Hands, and at our Gift and Diſpoſition, by reaſon foreſaid, and conſequently appertains and belongs to the ſaid *A. B.* as Donator above-ſpecified, and to his foreſaids, and that they ought and ſhould be anſwered, obeyed and payed thereof, after the Form and Tenor of the ſaid Gift of Eſcheat, Laws and daily Practique of this our Realm uſed and obſerved in the like caſes, in all Points, (9) as is alledged. *Our Will is herefore*, and we Charge you, that ye peremptorly Summond, Warn and Charge the ſaid *H. D.* Rebel foreſaid, perſonally, or at his dwelling-place on twenty one days warning, and all others having or pretending to have Intereſt in the ſaid matter, by

open Proclamation at the Mercat-Croſs of —— and other places needful, to compear (*as in the former Summonds till ye come to*) to anſwer at the Inſtance of the ſaid *A. B.* as Donator foreſaid, and als at the inſtance of our ſaid Advocat for our Intereſt in the matter above-written; *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that the ſaid *H. D.* was orderly denunced Rebel, and put to the Horn, (*to conclude according to the above-written Subſumption, from this Figure* (8) *till ye come to this Figure* (9) *and then ſay*, Or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Find, Decern and Declare in manner foreſaid, according to Juſtice, to be tabulat in our Table, and called by the Order and Priviledge thereof, conform to the ſaids Lords their daily Practique, and Order uſed and obſerved in the like caſes, and their Deliverance granted thereanent, as ye will anſwer ——

Ex Deliberatione Dominorum Concilii.

Nota Primo, *The Date of the Bill muſt be the Date of the Summonds* Secundo, *it needs no ſecond Dyet, bacauſe the Rebellion is proven by the Regiſtrat Horning and Executions, and the Purſuers Title, by the Gift under the Privy Seal, and there being but one* Dyet, *it is directed to Sheriffs in that part, and not to Meſſengers, but Meſſengers as Sheriffs in that part may execute them.* Tertio, *It is fit to know, that of old there were three Rolls, one for the King's Cauſes, which was called on* Friday, *and the Kings Advocat made up this, and in which he put up what Cauſes elſe he pleaſed, and there was a Roll for the Utter-Houſe, and one for the Inner-Houſe, and by the Regulations the* Fridays *Roll was taken away as an Abuſe, but the other two ſtand, and in them the Kings Cauſes firſt put up, and ſo no loſs to the King or Intereſt, and the Leidges their Cauſes come in by courſe, without partiality or preference, yea, on the* Saturday *the Lord in the Utter-Houſe made up his own Roll that day, which is alſo taken away.*

SUMMONDS of ſpecial Declarator of a Single Eſcheat, after the Gift is declared in General, and wherein the Donator is only Purſuer.

CHARLES —— To our Lovits —— Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially Conſtitute, Greeting: Foreſameikle as, it is humbly meant and ſhown to us, by *A. B.* of —— Donator after-ſpecified; That where (*here inſert the Narrative of the former Summonds of General Declarator from the Figure* (6) *till ye come to this* (7) *and then ſay*,) Likeas the ſaid Purſuer with concourſe of S. *G. M.* of —— Our Advocat for our Intereſt, raiſed Summonds, and intented Action of General Declarator of the foreſaid Gift at their Inſtance, before our Lords of Council and Seſſion, againſt the ſaid *H. D.* Rebel foreſaid, and all others having or pretending to have Intereſt in the ſaid Matter, in manner, and to the effect under-written, and which Summonds and Action being oft and divers times called, in preſence of the ſaids Lords, and laſt of all upon the —— day of —— 16 —— years, they by their Decreet then given and pronunced by them in the ſaid Matter, found and declared that the ſaid *H.* D. was orderly denunced Rebel, and put to the Horn, by vertue of the ſaids Letter of Horning, and at the

the Inſtance of the ſaid *W. M.* in manner, and at the time and for the cauſe above ſpecified, and duely regiſtrat thereat, as ſaid is, and that there-through the Eſcheat of the ſaids haill Goods, Gear, Debts, Sums of Money, and other foreſaids, pertaining to the ſaid *H. D.* the time of the ſaid Rebellion, or whilk pertained and accreſſed to him at any time ſenſyne, and that ſhall happen to fall, accreis, appertain, and belong to him in all time coming during his Rebellion, appertained and belonged to Us, and was fallen and became in Our Hands, and at Our Gift and Diſpoſition by reaſon foreſaid; And conſequently, appertains and belongs to the ſaid Purſuer, as Our Donator and his foreſaid, and that he ought, and ſhould be anſwered, obeyed, and payed thereof, after the Form and Tenor of the ſaid Gift of Eſcheat, Laws, and Dayly Practique of this Our Realm, uſed and obſerved in the like Caſes, in all Points, as the ſaid Decreet of General Declarator, of the Date foreſaid, in it ſelf alſo more fully is expreſt. By vertue of the whilk Gift and Declarator following thereupon, the ſaid Purſuer as Donator foreſaid, has ſufficient, good, and undoubted Right and Intereſt, in and to the foreſaids Eſcheatable Goods, Gear, Debts, Sums of Money, and others above-ſpecified, pertaining to the ſaid *H. D.* the time of his Rebellion aforeſaid, and which pertained to him at any time ſenſyne, or ſhall happen to accreſce, fall, appertain, and belong to him in any time coming during his Rebellion, and he ought, and ſhould be anſwered, obeyed, and payed thereof; and true it is, that the ſaid *H. D.* the time of the ſaid Rebellion, and ſenſyne, had and has, appertaining and belonging to him, the Goods Gear, Debts, Sums of Money, Jewels, Gold, Silver, Coyned, and Un-coyned, Utinſils and Domicils, and others after-ſpecified, of the Avails, Quantities, Eſtimations, and Prices after-mentioned, addebted, and reſting, owing to him, by, and in the Poſſeſſion, Cuſtody, and Keeping of the Perſons after-named, ilk ane of them for their own Parts, and according to their ſeveral Proportions thereof, as is particularly after divided, *viz.* (*Here leave Blank for a Sheet, and then ſay*) And albeit it be of Verity, that the ſaid Purſuer as Donator foreſaid, and in whoſe favours the ſaid Gift is Declared as ſaid is, has oft and diverſe times deſired and required, the forenamed Perſons Defenders, and the Tutors and Curators of ſua many of them, as are Minors, if they any have, for their Intereſts, to have made Payment and Deliverance to him of the ſaids Goods, Gear, (6.) Debts, Sums of Money, Jewels, Gold, Silver, Utinſils, Domicils, and others above-ſpecified, addebted and reſting, owing by them to the ſaid Rebel, and in their Poſſeſſion, Cuſtody, and Keeping, belonging to him as ſaid is, or of the Avails, Eſtimations, and Prices of the ſame above mentioned; together with the Expenſes and Penalties contained in the Bonds and other Grounds of the ſaid Debts, and Annualrents of ſua many of the ſaids Debts as bear Annualrent, either by the Bonds and Grounds themſelves, or by Regiſtrat Hornings, and Act of Parliament made thereanent, and that of all Years and Terms by-gone, reſting, owing, and in time coming, durir.g the not Payment thereof, (the Terms of Payment of the ſame, being always firſt come and by-gone,) after the Form and Tenor of the ſaid Decreet of General Declarator, Bonds, and other Grounds of the ſaids Debts, Regiſtrat Hornings, Laws, and Dayly Practicque of this Our Realm, uſed and obſerved in the like Caſes. Nevertheleſs, they wrongouſly refuſed, and as yet refuſe, poſtpone, an defer to do the ſame, without they be compelled, as is alledged: *Our Will is herefore*, and We Charge you, that ye Lawfully Summond, Warn, and Charge the fore-named Perſons, Defenders particularly above-named, *viz.* (*Leave Blank for their Names,*) Perſonally, or at their Dwelling-Places, on ſix days Warning, and the Tutors and Curators of ſua many of them, as are Minors, if they any have, for their Intereſts, by open Proclamation at the Mercat-Croſs of ——— and other Places needful, to compear before

Our Lords of Council and Seſſion —— to anſwer at the Inſtance of the ſaid Purſuer in the ſaid Matter. That is to ſay, the ſaids Defenders to hear and ſee the Premiſſes, ſufficiently verified and proven to be of Verity: And the ſame being ſo verified and proven, the ſaids Defenders, and their ſaids Tutors and Curators for their Intereſts, to hear and ſee themſelves decerned by Decreet of the ſaids Lords, to make Payment and Deliverance to the ſaid Purſuer, as Donator foreſaid, and in whoſe perſon, the ſaid Gift of Eſcheat is declared, in manner above-ſpecified, of the foreſaids Goods, Gear, (*Take in from this Figure of 6 in the Subſumption, till ye come to nevertheleſs, and then ſay,*) in all Points: or elſe to alledge a reaſonable Cauſe, *&c.* with Certification to the ſaids Defenders, if they failzie, Our ſaids Lords will proceed in the ſaid Matter, and decern therein in manner foreſaid, to inſert a ſecond Dyet: And then ſay, according to Juſtice, to be called ſummarly on two Dyets of ſix days Warning, becauſe the foreſaid Action is acceſſory to the foreſaid Decreet of General Declarator, follows and depends thereupon, and is a part of the Execution thereof; And alſo, the Purſuer is content to refer ſua much of the Premiſſes to the Defenders Oaths, as ſhall not be proven by Writ, and ſo merits ſummar Proceſs conform to the ſaids Lords their dayly Practique, and Order uſed and obſerved in the like Caſes, and their Deliverance, granted thereanent as ye will anſwer —— the Date of the Bill, muſt be the Date of this Summonds.

Ex Deliberatione Dominorum Conſilii.

This Summonds was wrote before the Act of Parliament, Declaring Bonds bearing Annualrents, to be Heretable quoad Fiſcum & Relictam; *And yet, if made Movable by a Charge, the Donator may purſue.*

SUMMONDS of General Declarator of Eſcheat Diſponed by a Lord of Regality, wherein the Kings Advocat is no Purſuer, as in that of the Kings Gift.

CHARLES —— To Our Sheriffs in that part, conjunctly and ſeverally, ſpecially Conſtitute, Greeting: Forſameikle as, it is humbly meant and ſhown to Us, by *W. D.* of —— Donator after-ſpecified that where *J. M.* of *A.* Lord of the Regality of —— and having undoubted Right of all Eſcheats falling within the ſaid Regality, and Caſualities thereof, by his Letter of Gift, of the date the —— day of —— *16* —— Years, gave, granted, and diſponed to the ſaid Purſuer, his Heirs and Aſſigneys, one or more, the Eſcheat (*6.*) of all Goods, Gear, (*Here inſert the Diſpoſitive Clauſe of the Gift exactly, and then ſay*) which pertained of before to *A. B.* the time after-ſpecified of his Denunciation to the Horn, in manner and for the Cauſes after mentioned, and which thereafter appertained and belonged to him, or ſhall happen to fall, accreſce, appertain, and belong to him at any time during his Rebellion, then pertaining and belonging to his Lordſhip, as Lord of the ſaid Regality, and fallen and become in his hands, and at his Gift and Diſpoſition, by reaſon of Eſcheat, Laws, and Practicque of this Realm, and Privileges of the ſaid Regality, granted to him and his Predeceſſors and Authors, by Us and Our Moſt Royal Progenitors, Kings and Queens of *Scotland*, or Princes thereof, conform to the Rights and Infeftments made to them thereupon, through the ſaid *A. B.* (who then lived,) and yet reſides within the ſaid Regality, upon the —— day of —— *16* —— Years, his being orderly denunced Rebel and put to the Horn, by vertue of Letters of Horning raiſed, uſed, and execute againſt him, at the Inſtance of *C. D.* of ——

for

for not payment making to him of the Sum of ---- *Scots* Money of Principal ---- Money foreſaid of Expenſes and Annuals of the ſaid principal Sum contained, (*here inſert the Bond, or other Ground by which the Debt is due, with the Date of the Regiſtration, and Books wherein Regiſtrat, and if it proceed alſo upon an Aſſignation and Tranſlation, it muſt be ſo Libelled, and the Date inſert, and then ſay*) As the ſaid Letter of Gift, of the Date foreſaid, in it ſelf more fully proports. By vertue whereof, the ſaid Purſuer as Donator foreſaid, has ſufficient, good and undoubted Right and Intereſt, in and to the foreſaids Goods, Gear, Debts, Sums of Money, and others above-ſpecified, contained in the ſaid Letter of Gift, and he ought and ſhould be anſwered, obeyed and payed thereof, (7) and for that effect the ſaid Gift ought and ſhould be declared by Decreet of our Lords of Council and Seſſion, in manner under-written, conform to the Laws and dayly Practique of this Realm, uſed & obſerved in the like caſes, in all points, as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn & Charge the ſaid *A.B.* Rebel foreſaid, Perſonally, or at his Dwelling-place, on twenty one days Warning, and all others having or pretending to have Intereſt in the ſaid Matter, by open Proclamation at the Mercat-croſs of —— and other places needful, to compear before our Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the — day of —— if it be lawful, and failzieing thereof, the next lawful day thereafter following, in the Hour of Cauſe, with continuation of days, to anſwer at the inſtance of the ſaid Purſuer, in the ſaid Matter; *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the ſaid *A.B.* was upon the ſaid —— day of —— 16 — years, orderly denunced Rebel and put to the Horn, by vertue of the ſaids Letters of Horning, raiſed, uſed and execute againſt him, at the inſtance of the ſaid *C. D.* in manner and for the Cauſes above-mentioned, and that there-through the Eſcheat of all Goods, Gear, Debts, Sums of Money, and others above-ſpecified, contained in the ſaid Gift, pertaining to the ſaid *A.B.* the time of the ſaid Denunciation, or which accreſſed to him any time ſinceſyne, or ſhall happen to accreſs, fall, appertain and belong to him in time-coming during his Rebellion, is fallen and become in the ſaid Lord of Regality his Hands, (and within whoſe Juriſdiction the ſaid Rebel lived the time of the ſaid Denunciation, and as yet lives,) and at his Lordſhips Gift and Diſpoſition, by reaſon of Eſcheat, Laws and Practique of this our Realm, through the ſaid *A.B.* his Denunciation to the Horn, in manner and at the time, and for the cauſes above-mentioned; and conſequently the ſame now appertain and belong to the ſaid Purſuer, as Donator foreſaid, and that he ought and ſhould be anſwered, obeyed, and payed thereof, after the form and tenor of the ſaid Letter of Gift, Laws and dayly Practique of this our Realm, uſed and obſerved in the like caſes, in all points, or elſe to allege a raſonable cauſe why the ſame ſhould not be done, with Certification to the ſaid Defenders, if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and find and declare in manner foreſaid, according to Juſtice, as ye will anſwer, *&c.*

Nota, *Some paſs a Bill for this Summonds, and others not; ſo that it is arbitrary ſince the Kings Advocat is not a Complainer, the King not being concerned; and ſome make the Kings Advocat Complainer notwithſtanding, becauſe of the Rebellion craved to be declared, by which the Gift takes it effect, but for the moſt part it is otherways.*

SUMMONDS of Special Declarator of the ſaid Eſcheat.

CHARLES —— To Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally —— ſhowen to us by *W. D.* of —— Donator after-ſpecified. That where *J. M.* of *A.* Lord of the Regality of ——, (and having indoubted Right of all Eſcheats falling within the ſaid Regality, and Caſualities thereof) by his Letter of Gift of the date the —— day of —— 16— years, Gave, Granted and Diſponed to the ſaid Purſuer his Heirs and Aſſigneys, ane or moe, the Eſcheat (*here take in the Narrative of the former Summonds, from this Figure of 6 till ye come to this 7 Figure, and then ſay*) whereupon the ſaid Purſuer as Donator foreſaid raiſed Summonds, and intented Action of General Declarator at his inſtance, of the foreſaid Eſcheat, before Our Lords of Council and Seſſion, againſt the ſaid *C. D.* Rebel foreſaid, and all others having or pretending to have Intereſt; and which Summonds and Action being oft and divers times called in preſence of the ſaids Lords, and laſt of all upon the ——day of —— 16—— years, they by their Decreet of General Declarator, then given and pronounced by them in the ſaid Matter, Found and Declared (*here take in the Words of the Decerniture of the Decreet of General Declarator, until ye come to the word*, becauſe, *and then ſay*) as the ſaid Decreet of General Declarator of the date foreſaid, in it ſelf more fully is contained, whereby the ſaid Purſuer has good and indoubted Right in and to the foreſaid Eſcheatable Goods, Gear, Debts, Sums of Mony, and others above-ſpecified, and he ought and ſhould be anſwered, obeyed, and payed thereof. And true it is, that the perſons reſpective after-named, were adebted and reſting, owing to the ſaid Rebel, the time of the ſaid Denunciation, and thereafter during his Rebellion; and he had pertaining to him the Goods, Gear, (*here take in the Stile of the former Summonds of Special Declarator* mutatis mutandis, *till ye come to*) According to Juſtice, as ye will Anſwer, *and ſo conclude*, &c.

SUMMONDS of General Declarator of Eſcheat and Liferent Diſponed by a Subject who is both Lord of the Regality and Superior.

CHARLES ——, To Our Sheriffs in that part ——, Mean'd and Showen to Us by *A. B.* of —— Donator after-ſpecified. That where *J. M.* of *A.* Lord of the Regality of ——, and thereby having Right to the Eſcheats falling within the ſame, and haill Caſualities thereof, and likeways Superior of the Lands, and others after-mentioned, and thereby having Right to the Liferent-Eſcheat thereof, in manner after-expreſt; by his Gift of the date the —— day of —— 16 —— years, Gave, Granted and Diſponed to the ſaid Purſuer, his Heirs and Aſſigneys ane or moe, the Eſcheat of all Goods, Gear, Debts, Sums of Money (*here taken in the words of the Gift, until ye come to the words* with full Power, *and then ſay*) as the ſaid Gift of the Date foreſaid in it ſelf more fully proports, (6) by vertue whereof the ſaid Purſuer as Donator foreſaid has ſufficient, good and undoubted Right and Intereſt in and to the foreſaids Goods, Gear, Debts, Sums of Money, and others above-ſpecified, falling under the compaſs of the ſaid ſingle Eſcheat, as alſo in and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the Lands and others above-mentioned, falling under the verge and compaſs of the ſaid Liferent-Eſcheat, and he ought and ſhould be anſwered, obeyed and payed thereof, and for that effect

effect the ſaid Gift, as to both, ought and ſhould be declared by Decreet of our Lords of Council and Seſſion, in manner under-written, conform to the Laws and dayly Practique of this our Realm, uſed and obſerved in the like Caſes in all points, as is alledged. *Our Will is herefore*, and We Charge you, that ye peremptorly Summond, Warn and Charge the ſaid —— Rebel foreſaid, perſonally, or at his dwelling place, on twenty one days Warning, and all others having or pretending to have Intereſt in the ſaid Matter, by open Proclamation at the Mercat-croſs of —— and other places needful, to compear before our ſaids Lords of Council and Seſſion ——, to anſwer at the inſtance of the ſaid Purſuer in the ſaid Matter; *that is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that the ſaid —— was upon the ſaid —— day of —— orderly denunced Rebel, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt him, at the inſtance of the perſon above-named, in manner and for the cauſe above-mentioned, and remained thereat attour the ſpace of year and day unrelaxed therefrae, and that there-through the Eſcheat of all Goods, Gear, Debts, Sums of Money, and others above-ſpecified falling under the compaſs of the ſaid ſingle Eſcheat, and which pertained of before to the ſaid —— the time of his ſaid Denunciation to the Horn, and that thereafter pertained to him, or that hereafter ſhall happen to fall, accreſce, appertain and belong to him during his ſaid Rebellion, now appertain and belong to the ſaid *J. M.* of *A*, as Lord of the ſaid Regality, and are fallen and become in his hands, and at his Lordſhips Gift and Diſpoſition, by reaſon of Eſcheat, Laws and Practique of this Realm, and Priviledge of the ſaid Regality, by vertue of the Rights and Infeftments thereof, granted to him and his Predeceſſors and Authors by us, and our moſt royal Progenitors, Kings, Queens, and Princes of *Scotland*, through being of the ſaid —— orderly denunced Rebel and put to the Horn, in manner, at the time, for the Cauſes, and at the inſtance of the perſon above-rehearſed, and conſequently now appertain and belong to the ſaid Purſuer as Donator foreſaid, and that he ought and ſhould be anſwered, obeyed and payed thereof; and in like manner, to hear and ſee it found and declared by Decreet foreſaid, that the Liferent-Eſcheat of all Lands, Heretages, Tenements, Annualrents, Rooms and Poſſeſſions, and others, with the Pertinents, holden by the ſaid — Rebel foreſaid, immediatly of the ſaid *J. M.* of *A.* as Superior, together with the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame, of all years and terms by gone ſince the expiring of year and day, next and immediatly following his ſaid Denunciation to the Horn, and yearly and termly in all time-coming, during the ſaid Rebel his Lifetime, is likeways fallen and become in the ſaid *J. M.* of *A.* his Hands as Superior foreſaid, by reaſon of Eſcheat, Laws, and Practique of this Realm, through being of the ſaid — orderly denunced Rebel and put to the Horn, by vertue of the Letters of Horning above-ſpecified, in manner at the time, for the cauſes, and at the inſtance of the perſon above-mentioned, and through the ſaid Rebel his remaining at the Horn, attour the ſpace of year and day unrelaxed therefrae, and conſequently that the ſame likeways now pertains and belongs to the ſaid Purſuer as Donator foreſaid, and that he ought and ſhould be anſwered, obeyed and payed of the ſame, conform to the ſaid Gift, Laws and Practique of this Realm, uſed and obſerved in the like Caſes in all Points, or elſe to alledge a reaſonable cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, the ſaids Lords will proceed in the ſaid matter, and find and declare in manner foreſaid, according to Juſtice, as ye will anſwer, —

SUMMONDS of Special Declarator of the ſaid Eſcheat and Liferent.

CHARLES —— To our Sheriffs in that part, and Meſſengers *reſpective, &c.* meant and ſhown to us by *A. B.* of —— Donator after-ſpecified, That where *J. M.* of *A.* Lord of the Regality of —— (*here take in the Narrative of the former Summonds (including the Tenor of the Gift,* ut ſupra) *till ye come to this Figure of* (6) *and then ſay*) Whereupon the ſaid Purſuer as Donator foreſaid, raiſed Summonds, and intented Action at his inſtance before the Lords of Council and Seſſion, againſt the ſaid —— Rebel foreſaid, and all others having or pretending to have Intereſt in the ſaid Matter, for Declaring of the ſaid Gift of ſingle and Liferent Eſcheats, and which Summonds and Action being oft and divers times called in preſence of the ſaids Lords; And laſt of all, upon the —— day of —— 16 —— years, they by their Decreet of general Declarator, then given and pronunced by them in the ſaid matter, fand and Declared, that (*here take in the Words of the Decernitur, till ye come to the word* Becauſe, *and then ſay*) as the ſaid Decreet of general Declarator of the date foreſaid in it ſelf alſo more fully is contained; by vertue whereof the ſaid Purſuer, has ſufficient good and indoubted Right and Intereſt, in and to the ſaids ſingle and Liferent Eſcheats, and haill Benefit and Caſualities thereof, and he ought and ſhould be anſwered, obeyed and payed of the ſame. And true it is, that (3) the ſaid —— Rebel foreſaid, the time above-ſpecified of his ſaid Denunciation to the Horn, and ſenſyne had pertaining to him the Goods, Gear, Debts, Sums of Money, Horſe, Nolt, Sheep, Corns, Cattel, and others after-mentioned, addebted and reſting, owing to him by, and in the Poſſeſſion, Cuſtody and Keeping of the perſons after-named, of the Avails. Quantities and Eſtimations, and prices under-written, ilk an of them for their own parts, as is after-divided, *viz.* (*here leave Blank for half a ſheet, and then ſay,*) And ſick-like the perſons reſpective after-named, Tennents and Poſſeſſors of the Lands, and others after-ſpecified, pertaining heretably to the ſaid Rebel, holden by him of the ſaid *J. M.* of *A.* as Superior as ſaid is, are addebted and reſting, owing to the ſaid Purſuer as Donator foreſaid, the Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame after-mentioned, yearly, the Cropts and Years of God under-written, of the Avails, Quantities Eſtimations and Prices after-expreſt, ilk ane of them for their own parts, and according to their ſeveral Proportions thereof, as is particularly after-divided, *viz.* (*here leave blank for half a ſheet* (4) *and then ſay*) And albeit it be of verity, that the ſaid Purſuer as Donator foreſaid, has often and divers times defired and required the fore-named perſons Debitors to the ſaid Rebel in, and havers in their poſſeſſion of the ſaids Goods, Gear, Debts, Sums of Money, and others above-ſpecified, fallen within the Compaſs of the ſaid ſingle Eſcheat, to have made payment and Deliverance to him thereof, or of the Avails, Eſtimations and prices of the ſame above-mentioned, ilk ane of them for their own parts as ſaid is; And in like manner defired and required the other perſons above-named, Tennents, Poſſeſſors and Occupyers of the ſaids Lands, and others foreſaids, pertaining heretably to the ſaid Rebel, and holden by him immediatly of the ſaid *J. M.* of *A.* in manner foreſaid, to have made payment to the ſaid Purſuer of the ſaids Mails, Farms, (5) Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame above-ſpecified, yearly, the Cropts and years of God above-mentioned, or of the Avails, Eſtimations and prices of the ſame above-written, ilk ane of them for their own Parts as ſaid is, and likeways to make payment to him of the like Mails, Duties Profits and Caſualities, yearly in time-coming during the ſaid Rebel his Lifetime, and their Poſſeſſion (the Terms of payment

of

of the ſame being firſt come and bygone) conform to the ſaid Letter of Gift, Decreet of general Declarator following thereupon, Laws and daily Practique of this Realm, uſed and obſerved in the like caſes, in all points, Nevertheleſs, the forenamed perſons wrongouſly refuſe, poſtpone and defer to do the ſame without they be compelled, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the ſaids (*leave blank for* (6) *Lines, and then ſay*) Debitors to the ſaid Rebel, and havers in their Hands of the Goods, Gear, and others foreſaids pertaining to him; And ſicklike the ſaids (*leave blank for other 6 Lines, and then ſay*) Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, pertaining heretably to the ſaid Rebel (holden by him immediatly of the ſaid *J. M.* of *A.* in manner foreſaid) perſonally, or at their Dwelling-places, on ſix days warning, to Compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſame being ſua verified and proven, the fore-named perſons Defenders, Debitors in, and Havers in their hands and Poſſeſſion of the ſaids Goods, Gear, Debts, Sums of Money, and others above-ſpecified, fallen within the Compaſs of the ſaid ſingle Eſcheat, to hear and ſee themſelves decerned, and Ordained by Decreet of our ſaids Lords of Council and Seſſion, to make payment and Deliverance to the ſaid Purſuer as Donator foreſaid thereof, or of the Avails, Eſtimations and Prices of the ſame abovementioned, ilk ane of them for their own parts as ſaid is; And in like manner the other perſons Defenders above-named, Tennents, Poſſeſſors and Occupyers of the ſaids Lands, and others foreſaids, with the Pertinents pertaining heretably to the ſaid Rebel, and holden by him immediatly of the ſaid *J. M.* of *A.* as Superior in manner foreſaid, to hear and ſee themſelves decerned and Ordained by Decreet foreſaid, to make payment and Deliverance to the ſaid Purſuer of their ſaids Mails, Farms, (*here take in from the* (5) *in the Subſumption, till ye come to* Nevertheleſs, *and then ſay*) Or elſe to alledge a reaſonable Cauſe, *&c.* With certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and decern therein in manner foreſaid (*take in a ſecond Dyet, and then ſay*) According to Juſtice, to be called ſummarly on two Dyets of ſix days warning, but any further Dyet, Table, Roll or Continuation of other Summonds, becauſe the foreſaid Action is acceſſory to the foreſaid Gift and General Declarator, follows and depends thereupon, and is a part of the Execution thereof; And als the Purſuer is content to refer ſo much to the Defenders Oaths as ſhall not be proven by Writ, and ſo merits ſummar Proceſs, conform to our ſaids Lords their daily Practique and Order, uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will anſwer. ——

Ex Deliberatione Dominorum Concilii.

SUMMONDS of General and Special Declarators in one, of an Eſcheat and Liferent, and ſhall ſuppoſe the ſame to be on the Kings Gift.

CHARLES —— Meant and Shown to Us by *A. B.* of —— Donator after-ſpecified, and Sir *G. M.* of —— Our Advocat for Our Intereſt in the Matter under-written; That where, We with Advice and Conſent of the Lords of Our Thеſaury and Exchequer of Our antient Kingdom of *Scotland*, by Our Letter of Gift under the Privy Seal of the ſaid Kingdom, of the date the —— day of —— years, Gave, Granted, and Diſponed to the ſaid Purſuer, his Heirs and Aſſigneys whatſoever, one or moe, the Eſcheat of all Goods, Geare, (*here take in the words of the Gift, till ye come to theſe*

words, With full Power, *and then ſay*) as the ſaid Letter of Gift of the date foreſaid, in it ſelf more fully proports. By vertue whereof, the ſaid Purſuer has ſufficient, good, and undoubted Right and Intereſt, not only in and to the haill Goods, Gear, Debts, Sums of Money, and others falling under the Compaſs of the ſaid ſingle Eſcheat: But alſo, in and to the haill Benefit of the ſaid Liferent Eſcheat, and he ought and ſhould be anſwered, obeyed, and payed thereof; and true it is, that (*here take in from the* (3) *Figure to the* (4) *in the former Summonds*, (*only in place of theſe words, holden by him of the ſaid* J. M. *of* A. (*Say of Us*) *as Superior, and then proceed in the preſent Stile thus.*) And therefore, it ought and ſhould be found and declared by Decreet of Our Lords of Council and Seſſion, that (8) the ſaid —— was upon the ſaid —— day of —— years, orderly denunced Rebel and put to the Horn, by vertue of the ſaid Letters of Horning, raiſed, uſed, and execute againſt him, at the Inſtance of the ſaid Purſuer, for not payment making to him of the Sums of Money above-ſpecified, and that he was duly Regiſtrat thereat, and that therethrow, the haill Goods, Gear, Debts, Sums of Money, and others abovementioned, pertaining to him the time of his ſaid Denunciation, or which accreſced to him at any time ſenſyne, or ſhall happen to accreſce to him in any time coming during his Rebellion, pertained and belonged to Us, and has fallen and become in Our Hands, and at Our Gift and Diſpoſition, by Reaſon foreſaid; and conſequently, now appertains and belongs to Our ſaid Donator. And in like manner, it ought and ſhould be found and declared by Decreet foreſaid, that the ſaid —— Rebel foreſaid, contemptuouſly remained and abode at the ſaid Horn, attour the ſpace of year and day unrelaxed therefrom: And that therethrow, the haill Benefit of the ſaid —— his Liferent Eſcheat, ever ſince the ſaid year and day, and in time coming during his Lefetime, alſo pertained and belonged to Us, and fell and became in Our Hands, and at Our Royal Gift and Diſpoſition, by Reaſon above-ſpecified; and conſequently, now appertains and belongs to the ſaid Purſuer, Our ſaid Donator. And the Premiſſes being ſo found and declared, the forenamed Perſons Debitors to the ſaid Rebel, in, and Havers in their hands and Poſſeſſion of the ſaids Goods, Gear, Debts, Sums of Money, and others above-ſpecified, pertaining and belonging to him, ought and ſhould be decerned and ordained by Decreet of the ſaids Lords, to make Payment and Deliverance to the ſaid Purſuer, as Donator foreſaid thereof, or of the Avails, Eſtimations, and Prices of the ſame above-mentioned, ilk ane of them for their own Parts as ſaid is. And in like manner, the forenamed Perſons, Tennents, and Poſſeſſors of the ſaids Lands and others foreſaids, pertaining heretably to the ſaid Rebel, and holden by him of Us in manner above-mentioned, ought and ſhould be decerned by Decreet foreſaid, to make Payment to the ſaid Purſuer, as Donator foreſaid, of the Haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits, and Duties thereof above-ſpecified yearly, ſince the expiring of the ſaid year and day, or of the Avails, Eſtimations, and Prices of the ſame above-mentioned, ilk ane of them for their own Parts in manner foreſaid: As alſo, to make Payment to him of the like Mails, Duties, and Caſualities yearly in time coming, during the ſaid Rebel's Lifetime, and their Poſſeſſion, conform to the ſaid Letter of Gift, Decreet of General Declarator to follow thereupon, Laws and dayly Practicque of this our Realm in all Points: (9) And all which, the ſaids Defenders wrongouſly refuſe, poſtpone, and defer to do, albeit, oft and diverſe times deſired and required thereto, without they be compelled, as is alledged. *Our Will is therefore*, and We Charge you, that ye peremptorly Summond, Warn, and Charge the ſaids —— Debitors to, and Havers of the Goods and Gear of the ſaid Rebel in their Poſſeſſion as ſaid is: And als the ſaids —— Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, pertaining heretably to the ſaid Rebel, and holden by him of Us in manner above-

expreſt:

expreſt: And als, the ſaid —— Rebel for his Intereſt, Perſonally, or at their Dwelling Places, on twenty one days Warning, and all others having, or pretending to have Intereſt in the ſaid Matter, by open Proclamation at the Mercat-Croſs of —— and other Places needful, to compear, *&c.* To anſwer at the Inſtance of the ſaid *A. B.* Donator foreſaid: And als at the Inſtance of Our ſaid Advocat, for Our Intereſt in the ſaid Matter. That is to ſay, the ſaids Defenders to hear and ſee it found and declared, by Decreet of Our ſaids Lords of Council and Seſſion, that (*here take in the Concluſion of the Summonds, according to the Subſumption from the* (8) *Figure to the* (9) *Figure, (altering theſe words, ought and ſhould, to hear and ſee, and then ſay) or elſe to alledge an reaſonable Cauſe*, &c. *as in other Summonds.*) With Certification to the ſaids Defenders, if they failzie, Our ſaids Lords of Council and Seſſion, will proceed in the Premiſſes, and find, decern, and declare in manner foreſaid. (*Here take in a ſecond Dyet, becauſe of the Special Declarator, and then ſay,*) According to Juſtice, to be Tabulat, the ſaid General Declarator in our Table, and called by the Order and Priviledge thereof, conform to the ſaids Lords, their dayly Practicque and Order, uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will anſwer. —— *The date of the Bill, is the date of the Summonds.*

Ex Deliberatione Dominorum Concilii.

Nota, *Write the Bill, (adding the Special Declarator,) as in Page* 288.

SUMMONDS of Declarator of Ward and Nonentry, with the Relief on the Kings Gift, concluding a Poynding of the Ground againſt the Tennents, and the Apparant Heir therein-conveened.

CHARLES — To —— Our Sheriffs in that part, *&c.* conjunctly and ſeverally, ſpecially conſtitute, Greeting: *Our Will is*, and We Charge you, that ye peremptorly Summond, Warn, and Charge —— Tennents and Poſſeſſors of the Lands and others after-ſpecified, and —— Son and Apparant Heir to the deceaſt —— laſt immediat heretable Tennent and Vaſſal to Us, and Our moſt Royal Progenitors therein, for his Intereſt, Perſonally, or at their Dwelling Places, on twenty one days Warning and the ſaid —— his Tutors and Curators, if he any has, for their Intereſts, and all others having, or pretending to have Intereſt in the Matter under-written, by open Proclamation at the Mercat-Croſs of —— and other Places needful, to compear, *&c.* To anſwer at the Inſtance of *J. M.* of *A.* who has, by Our Royal Gift under Our Privy Seal, of the date the —— day of —— 16 —— years, Diſponed to him, his Heirs and Aſſigneys whatſoever, the Ward and Nonentry, Mails: (*here follow furth the Diſpoſitive Words of the Gift, until ye come to the words*, With full Power, *and then ſay,*) And als, at the Inſtance of S. *J. N.* of *D.* Our Advocat, for Our Intereſt in matter under-written, and with whoſe Concourſe, the ſaid Purſuer has ſufficient, good, and undoubted Right and Intereſt to proſecute, follow furth, and purſue the Action of Declarator of the Ward and Nonentry after-ſpecified, with the Relief, and Poynding of the Ground, in manner after-mentioned. That is to ſay, the ſaids Defenders to hear and ſee it found and declared, by Decreet of Our ſaids Lords of Council and Seſſion, that all and ſundry, the Lands, Heretages, Tenements, and others under-written, *viz.* (*here leave blank for an half ſheet*) pertaining heretably to the ſaid deceaſt —— holden by him immediatly of Us, and Our moſt Royal Progenitors, as ſaid is, and poſſeſt by the Tennents and

Poſſeſſors above-named, have been in Our Hands, and in the hands of Our ſaids Royal Anceſtors, as Superiors foreſaid, by Reaſon of Waird and Nonentry, ever ſince the Deceaſe of the ſaid —— laſt immediat heretable Tennent, and Vaſſal to Us therein, who deceaſed upon the —— day of —— 16—— years, now by the ſpace of —— years; And that they now are in Our Hands, by Reaſon foreſaid, and are to remain and continue ſo in time coming, ay and while the lawful Entry of the righteous Heir, or Heirs thereto, and that therethrough, the haill Mails, Farms, Kayns, Cuſtoms, Caſualities, Profits, and Duties thereof, during the ſaids hail years, and ſpace, are fallen and become in Our Hands, and in the Hands of Our moſt Royal Progenitors, and at Our Gift and Diſpoſition, upon the Account and Reaſon foreſaid, together with the Relief, when the ſame ſhall happen; and conſequently, appertain and belong to Our ſaid Donator, as having Right and Intereſt from Us, by Gift in manner foreſaid, and that he ought and ſhould be anſwered, obeyed, and payed thereof. And whilks Lands, and others foreſaids, with the Pertinents, were worth, and did pay, at leaſt might have yielded yearly, and now are worth, and may conveniently and compleatly *communibus annis*, yield and pay the Mails and Duties after-ſpecified, of the Eſtimations after-mentioned, *viz.* *(here leave blank for half a ſheet)* And the Premiſſes being ſua found and declared, (6) the ſaids Defenders to hear and ſee (7) Our other Letters Decerned and Ordained, by Decreet of Our ſaids Lords, to be direct to Meſſengers at Arms, Sheriffs in that part, Charging them to paſs, and in Our Name and Authority, Search, Seek, Fence, Arreſt, Appryſe, Compel, Poynd, and Diſtrinzie the readieſt Moveable, Goods, and Gear whatſoever, being, or that ſhall happen to be upon the Ground of the ſaids Lands, and others foreſaids with the Pertinents, for, and to the Avail and Quantity of the foreſaid Mails and Duties of the ſame, and that yearly, ſince the ſaid —— his Deceaſe, now by the ſpace above-ſpecified: And ſicklike, yearly and termly in time coming, during the ſaid Waird and Nonentry, the Terms of Payment of the ſame, being firſt come and by-gone, and for the Relief, when it falls due. And failzieing of Moveable Goods and Gear, Poyndable and Diſtrinzieable, to Appryſe the Ground Right and Property of the ſaids Lands and others foreſaids, to the Avail and Quantity of the ſaids Waird and Nonentry, Mails, Duties, and Relief, and make the ſaid Purſuer, as Donator foreſaid, compleatly payed thereof, after the Form and Tenor of Our ſaid Gift, Laws and dayly Practicque of this Our Realm, heretofore inviolably obſerved in the like Caſes, in all Points, or elſe to alledge an reaſonable Cauſe, why the ſame ſhould not be done, with Certification to the ſaids Defenders, if they failzie, Our ſaids Lords will proceed in the ſaid Matter, and find, decern, and declare in manner foreſaid, according to Juſtice, to be Tabulat in our Table, and called by the Order and Priviledge thereof, conform to Our ſaids Lords, their dayly Practicque and Order, uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will anſwer.

Ex Deliberatione Dominorum Concilii.

Nota, *The date of the Bill, muſt be the date of the Summonds.* Secundo, *Albeit what purſued for, be* debitum fundi, *yet ſince the Tennents are conveened, and a Poynding of the Ground concluded, I think it ſhould have a ſecond Dyet; (however the contrary was adviſed,) And the rather, that the Quantity and Quality of the Duty, muſt neceſſarly be proven, and thereby conſtitute, without which, I do not ſee how there can be a Poynding; And conſequently, no Appryſing, or Adjudication of the Property, in Default of Moveable Goods.* Tertio,

tio, *It may be urged (and not without ground) that albeit the Dutie be proven and constitute, yet in case movable Goods fail, how can the Property be Appryſed or Adjudged from the appearand Heir, who is not Infeft, unleſs.* Primo, *the ſame be conſtitute by Sentence againſt him als well as the Tennents.* And Secundo, *He thereupon charged to enter Heir in ſpecial to his Predeceſſor laſt infeft, which makes a good and ſolid Right, whereas an Appryſing or Adjudication led otherways may be judged Illegal and Informal, for none ſuch can be againſt a perſon not infeft (I mean ſummarly) and muſt be ſupplyed by the uſual Remedy appointed by Law.* viz. *a Charge to enter Heir, even as in other caſes of Debt, and where the Heir is not infeft, nor the Debt conſtitute againſt him, and a Charge following thereupon as ſaid is, there can never be any Conſolidation of the Property, with the Superiority in the Superiors perſon, by any Appryſing or Adjudication otherways deduced : But I leave this and what elſe might be ſaid to Lawers.*

SUMMONDS of Declarator of Ward, Non-entrie and Relief, concluding both payment againſt the Heir, and a Poynding of the Ground againſt the Tennents, which I place here becauſe of the former Obſervation.

CHARLES, To Our Sheriffs in that part, and Meſſengers *reſpectivè (here take in the former Summonds, untill ye come to the (6) Figure, and then ſay)* The ſaid —— as Son and Heir ſerved and Retoured to the ſaid deceaſt —— laſt immediat heretable Vaſſal and Tennent to us, as ſaid is, at leaſt lawfully charged to Enter Heir to him within fourty days, conform to the Act of Parliament, at leaſt behaving himſelf as Heir to him by Intromiſſion with his Airſhip Goods and Gear *titulo lucrativo*, at leaſt as he who by himſelf, Tutors and Curators uplifted the ſaids Mails and Duties from the Tennents yearly, and ſuch as not uplifted by himſelf applyed to his uſe by his Tutors and Curators, or as otherways repreſenting his ſaid Father, and his ſaid Tutors and Curators for their Intereſts, to hear and ſee themſelves, not only Decerned and Ordained by Decreet of the ſaids Lords, to make payment to the ſaid Purſuer as Donator foreſaid of the ſaids Ward and Nonentry, Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids, holden of us by Service of Ward and Relief, as ſaid is, or of the Avails, Eſtimations and Prices of the ſame above-ſpecified, yearly, the years of God above-mentioned, and to hear and ſee the ſame liquidat to the ſaids Prices accordingly ; And ſicklike to make payment to him of the like Duties, yearly and termly in time-coming during the ſaid Ward and Nonentry, together with the ſaid Relief when the ſame falls and becomes due in manner above-expreſt, but alſo the ſaids Defenders, and Heretor and Tennents of the ſaids Lands and others foreſaids, to hear and ſee. *Begin at the 7 Figure in the former Summonds, and continue the former Stile* uſque ad finem.

Ex deliberatione Dominorum Concilii.

I omit to write the Bill, becauſe we have a Stile of the like formerly, and may be a Rule in this, mutatis mutandis.

SUMMONDS of Declarator of Non-entrie, without a Concluſion of payment, or Poynding of the Ground.

CHARLES, *&c.*

Nota, *This may be lybelled according to the former Stile (leaving out the Concluſion of payment, and that of poynding of the Ground) and ſo omitted here, there being no other Alteration than what to be omitted, as ſaid is; And the Reaſon why perſons at times, and moſtly purſue only a ſimple Nonentry, without theſe Concluſions, is, becauſe there are but few Terms elapſed, and als much may be had on the Ground as may ſatisfie the ſame, and for the future, the Ground and Tennents will anſwer for themſelves, and ſo no neceſſity for Appryſing or Adjudication, and likeways for the moſt part, the Gift is procured in favours of the apperand Heir, or for his behove, to clear the Reſponde in Exchequer, and liberat the Judge, Sherif, &c. giver of the Seaſin, to whom (albeit by the capiendo ſecuritatem, in the Precept-Money be meant) yet ordinarly there is no preſent payment made, but Bond given (who moſt in* July *thereafter clear* in ſpecie *) to liberat himſelf at the King's hands in Exchequer, and ſo the Production of this Gift clears that Point.*

SUMMONDS of Declarator of Nonentrie diſponed, by a Subject as Superior.

CHARLES, *&c.* To —— Our Sheriffs, *&c.* Mean't and ſhown to Us by *A. B.* Donator after-ſpecified, That where, *&c.*

Nota, *the following Obſervation.*

SUMMONDS of Declarator of Ward, Nonentrie and Relief, on a Subject Gift as Superior.

CHARLES, *&c.* To —— Our Sheriffs, *&c.* Mean't and ſhown to Us, by *A. B.* Donator after-ſpecified, That where, *&c.*

Nota, *I thought not fit to write thir two Stiles* ad longum, *becauſe the former Stiles of this Nature on the Kings Gift,* mutatis mutandis, *is a clear Rule, whether there be a Concluſion of payment and Poynding of the Ground, or not, only the Kings Advocat needs not be Purſuer, but only the Donator, the King not being concerned; And be ſure to call the apparent Heir als well as the Tennents and Tutors, and Curators, if the Heir be Minor, and all Parties having or pretending to have Intereſt, as in the former Stiles, and if there be not a Concluſion of Payment or Poynding of the grounds, direct it only to Sheriffs in that part.*

SUM-

SUMMONDS for making Arreſted Goods furth-coming.

CHARLES —— To Our Sheriffs in that part, and Meſſengers *reſpective, &c.* That where *A. B.* of —— by his Bond dated the —— day of —— 16 —— years (for the cauſes therein ſpecified) bound and obliged him his Heirs and Executors, to have contented and payed to the ſaid *G. D.* of —— Purſuer, his Heirs and Aſſigneys, the Sum of —— *ſcots* Money, betwixt the date foreſaid of the ſaid Bond, and the Term of —— 16 —— —— years, with the Sum of —— Money foreſaid of liquidat Expenſes, in caſe of failzie, and Annualrent thereafter during the not payment, as the ſaid Bond of the date foreſaid, inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof interponed thereto, upon the —— day of —— 16 —— years, Ordaining Letters of Horning, and others neceſſary to be direct thereupon, in manner therein-ſpecified, in it ſelf more fully proports, whereupon the ſaid Purſuer raiſed Letters of Horning, containing Poynding and Arreſtment, and by vertue thereof cauſed *P. C.* Meſſenger paſs upon the —— day of —— laſt by paſt, and lawfully Fence and Arreſt in the Hands of *M. J. H.* of —— the Sum of —— Money foreſaid, leſs or more addebted and reſting, owing by him to the ſaid *A. B.* by Bond, Obligation, or otherways, to remain under ſure Fence and Arreſtment, at the inſtance of the ſaid Purſuer, and while he were payed of the foreſaids Sums contained in the ſaid Bond, as the ſaids Letters of Horning and Poynding, and Executions of the ſaid Arreſtment, made by vertue thereof, in themſelves alſo more fully is expreſt; And albeit it be of verity, that the ſaid Purſuer has oft and divers times deſired and required the ſaid *M. J. H.* in whoſe hands the foreſaid Sum was arreſted, as ſaid is, to make furth-coming Payment and Deliverance to him thereof, at leaſt ſua much of the ſame as will ſatisfie and pay him of the foreſaids Sums of Money principal, Annualrents and Expenſes contained in the ſaid Bond, and that conform to the ſaid Bond decreet interponed thereto, Letters of Horning, Poynding and Arreſtment raiſed thereupon, Executions of the ſaid Arreſtment, made by vertue thereof, Laws and dayly Practique of this Realm, uſed and obſerved in the like caſes, in all points. Nevertheleſs he wrongouſly refuſes, poſtpons and defers to do the ſame, without he be compelled as is alleded. *Our will is therefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaid *M. J. H.* in whoſe hands the foreſaids Sums of Money were arreſted, as ſaid is, and the ſaid *A. B.* principal Debitor for his Intereſt, perſonally or at their Dwelling-place, on ſix days wraning, to compear, *&c.* (*as in other Summonds that have Narratives*) to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſame being ſua vereſied and proven, the ſaids Defenders to hear and ſee the ſaid *M. J. H.* decerned and Ordained by Decreet of the ſaids Lords, to make furth-coming, Payment and Deliverance to the ſaid Purſuer, of the foreſaid Sum of —— Money foreſaid, leſs or more, addebted and reſting and owing by him to the ſaid *A. B.* and arreſted in his hands, in manner foreſaid, at leaſt of ſo much thereof as will ſatisfie and pay him of the foreſaid Sums of Money principal, Annualrents thereof, bygone reſting, owing, and in time coming during the not payment thereof, and Expenſes above-ſpecified, contained in the ſaid Bond, after the Form and Tenor thereof, Decreet interponed thereto, Letters of Horning, Poynding and Arreſtment raiſed thereupon, Executions thereof, Laws and dayly Practique of this our Realm uſed and obſerved in the like Caſes, in all Points, or elſe to alledge a rea-

sonable Cause, *&c.* With Certification to the saids Defenders if they failzie, our saids Lords of Council and Session will proceed in the said matter, and decern therein in manner foresaid, *to insert a second Dyet*, because when one Pursuer of such Actions is Master of an Extract of the Bond by which the arrested money is due, 100 Pursuers refer it to the Oath of the person in whose hands the Money was arrested, *and then after the second Dyet*, add, According to Justice, to be called summarly on two Dyets of six days warning, because the foresaid Action being a Furth-coming and accessory to the foresaid Arrestment, is priviledged of its own Nature, and so merits summar Process, conform to the saids Lords their daily Practique, and Order used and observed in the like cases, and their Deliverance granted thereanent, as ye will Answer —— and the Date of the Bill is the Date of the Letters.

Ex Deliberatione Dominorum Concilii.

And because this Summonds must have a Bill, I have set it down here.

MY Lords of Council and Session, unto your Lordships humbly sheweth, *C. D.* of—that where *A. B.* of— being addebted to me by Bond, dated the— day of —— 16 —— years, the Sum of —— *Scots* Money principal, with Annualrents and Expenses in manner-specified in the said Bond, which is Registrat in the Books of Council and Session, the— day of —years; I thereupon raised Letters of Horning containing Poynding and Arrestment, and by vertue thereof, caused —— Messenger pass upon the —— day of —— last by-past, and lawfully Fence and Arrest in the hands of M. J. H. of —— the Sum of —— Money foresaid less, or more, addebted and resting, owing by him to the said *A. B.* of— by Bond, Obligation or otherways, to remain under sure Fence and Arrestment at my instance, in his hands, ay and while I were compleatly satisfied and payed of the foresaids Sums contained in the said Bond, whereupon the said Arrestment proceeds, in manner foresaid, as the said Bond, Letters raised thereupon, and Executions thereof in themselves more fully propone; and albeit it be of verity, that I have oft and divers times desired and required the said *M.* J.H. in whose hands the foresaids Sums were arrested, as said is, to make furth-coming payment and Deliverance to me thereof, at least of so much of the same as will satisfie and pay me of the foresaids Sums contained in the said Bond, and whereupon the said Arrestment proceeds in manner foresaid. *Nevertheless, &c.* Herefore I beseech your Lordships, that I may have Summonds for making the saids arrested Goods furth-coming at my instance against the said M. J. H. and the said *A. B.* principal Debitor for his Interest, as I please libel, to be called summarly on two Dyets of six days warning, because the foresaid Action being for making arrested Goods furth-coming, and accessory to the foresaid Arrestment, is priviledged of it's own Nature, and so merits summar Process, conform to your Lordships daily Practique, and Order used and observed in the like cases, and your Lordships Deliverance to be granted thereanent. And your Lordships Answer.

SUMMONDS of Transferring of a depending Process or Action.

SUch Summonds of Old were very frequent, where any Bond, Contract, Disposition, or other Writ were Registrat, and the one if not both Parties deceased,

ceaſed, but are now almoſt in deſuetude (except of Proceſs when Parties die, and that the Heir conceives an Advantage and Benefit by the Acts and Interloquitors in the cauſe) for Parties chooſe rather to purſue ſummarly on the Paſſive Titles, if the Debitor be dead, that what Objections the Defender has againſt the Debt or Deed, may be proponed in the firſt Inſtance, then firſt to transfer (which only puts the Creditor *in loco quo*, and upon the back of it meet with a Suſpenſion, and conſumes a world of time, and protracts the Creditors payment. *Secundo*, There is another caſe wherein the Transferrances are moſt neceſſary (beſides that of Proceſs) and that is when a perſons Predeceſſor or Author acquires an Eſtate, and has but one Extract of the Diſpoſition, and has not will to hazard the ſame in Proceſs leaſt it be loſt, and probable cannot have another Extract in any of the publick Regiſters having periſhed, or otherways loſt *tempore Belli*, aud therefore I ſhall confine my ſelf to theſe two, and firſt to the Summonds, whereof the Title is ſet down, looking upon the Defender to be only dead, for if both Purſuer and Defender were dead, the Transferrence behoved to be *Active & paſſive*, at the Inſtance of both Heirs.

CHARLES, *&c.* To Our Sheriffs in that part, and Meſſengers *reſpective* conjunctly and ſeverally, ſpecially conſtitute, Greeting: *Our Will is*, and we charge you, that ye lawfully Summond, Warn and Charge *A. B.* now of —— Son and Heir ſerved and Retoured to the deceaſt *A. B.* of —— at leaſt lawfully charged to enter Heir to him within fourty days, conform to the Act of Parliament, (*here libel the other Paſſive Titles alſo*) perſonally, or at his Dwelling-place on twenty one days Warning, and his Tutors and Curators, *&c.* to compear before our Lords of Council and Seſſion, *&c.* to anſwer at the Inſtance of *C. D.* at whoſe Inſtance the Summonds and Action after-ſpecified, was duely raiſed and execute againſt the ſaid deceaſt *A. B.* and in whoſe favours alſo the ſeveral Acts, Warrants, Interloquitors and minuts of Proceſs and Deliverance upon Bills, and otherways given and pronunced therein, and certain Points of Diligence and Execution by Inhibition, and otherways thereupon uſed and execute for his Security *in eventu*, and thereby having ſufficient good and indoubted Right and Intereſt, to proſecute, follow-furth and purſue the Action of Transferrence (4) thereof after-ſpecified, in manner after-mentioned; *That is to ſay*, the ſaids Defender upon the *Paſſive Titles* above-written, or one or other of them, and his ſaids Tutors and Curators for their Intereſts, to hear and ſee the Summonds and Action under-written, raiſed and purſued at his Inſtance againſt his ſaid deceaſt Father, with the haill Acts, Warrands, Interloquitors and Minuts of Proceſs, and Deliverances on Bills, and otherways made and pronunced therein, and Diligence and Execution uſed thereon, and whereof the Tenor follows (*leave a Blank for filling up of all*) *and then ſay*, be transferred by Decreet of the ſaids Lords, at the inſtance of the ſaid Purſuer, in the perſon of the ſaid *A. B.* paſſive, and of his ſaid Tutors and Curators for their Intereſt; And ſicklike Action, Proceſs and Execution, ordained to be direct, Led, raiſed, Uſed and Execute, and Decreet and Sentences given and pronunced thereuntil, at the Inſtance of the ſaid Purſuer againſt them, as might or could have been Direct, Led, Uſed, Execute, given and pronunced at his Inſtance, againſt the ſaid deceaſt *A. B.* at any time in his Lifetime before his deceaſe, or as if he were yet on Life for payment to him of the ſaids Debts and Sums of Money, and others foreſaids, and Implement and fulfilling to him of the ſaids Grounds whereupon the ſaid Action is founded (5) conform to the Tenor thereof, Laws and daily Practique

of this our Realm, heretofore inviolably obſerved in the like caſes, in all Points, or elſe to alledge a reaſonable Cauſe, *&c.* With Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and Transfer and Decern therein in manner foreſaid. According to Juſtice as ye will Anſwer —— *&c.*

This Summonds needs no Bill.

Nota, *If a Wakning muſt be, ye may inſert theſe words at this* (4) *Figure, And wakning, and then before the word conform at the* 5 *Figure, add theſe words, and ſicklike to hear and ſee the foreſaid Action called, wakned, begun where it laſt left and Juſtice adminiſtrat therein, untill the final end and Deciſion thereof, which holds in the trouble and Charges of a wakning* per ſe.

Nota, *if ye cannot prove a paſſive Title by VVrit, ye muſt inſert a ſecond Dyet, that ye may have the Benefite of the Defenders Oath, and if ye conclude a wakning, it muſt have a Bill.*

SUMMONDS of Transferrance of a Diſpoſition Regiſtrat, where the Grand-Father (and not the Father) was Granter thereof.

CHARLES —— To Our Lovits —— Our Sheriffs in that part, and Meſſengers *reſpectivè*, conjunctly and ſeverally, ſpecially conſtitute, Greeting: *Our Will is*, and We Charge you, that ye lawfully Summond, Warn and Charge *A. B.* of —— Son and Heir ſerved and retoured to the deceaſt *A. B.* of —— at leaſt lawfully charged to enter Heir to him, within 40 days, conform to the Act of Parliament, (*here inſert the other Paſſive Titles, and then ſay*) and which deceaſt *A. B.* was Son and Heir ſerved and retoured to the deceaſt *C. B.* of — his Father, (*here repeat curtly the other Paſſive Titles*) and ſua the ſaid *A. B.* of —— as repreſenting by Progreſs his deceaſt Grand-Father, Maker and Granter of the Diſpoſition after-ſpecified, of the Lands and others aftermentioned, perſonally, or at his dwelling-place, on twenty one days Warning, and his Tutors and Curators ——, to compear —— to Anſwer at the inſtance of M. *J. H.* of ——, Son and Heir ſerved and retoured to the deceaſt *J. H.* of ——, who was Son and Heir ſerved and retoured to the deceaſt *W. H.* of ——, to whom, and in whoſe favours the ſaid Right and Diſpoſition of the ſaids Lands was made and granted, and thereby having ſufficient, good and undoubted Right and Intereſt as Heir by Progreſs to his ſaid Grand-father, to proſecute, follow-furth and purſue, the Action of Transferrance thereof after-ſpecified, and of the Decreet of the Lords interponed thereto, and of the Diligence and Execution that thereupon has enſued, both active and paſſive, in manner after-mentioned; *that is to ſay*, the ſaids Defender as repreſenting his ſaid deceaſt Father and Grand-Father, either immediatly or by Progreſs, and upon one or other of the Paſſive Titles, in manner foreſaid, and his ſaid Tutors and Curators for their Intereſt, to hear and ſee the Diſpoſition underwritten, and Decreet of the Lords interponed thereto, and whereof the Tenor follows, (*here leave a Blank to fill up the Diſpoſition and Regiſtration thereof, and then ſay*) with the haill Diligence, and Execution, by Inhibition or otherways, that thereupon has enſued, be transferred by Decreet of the ſaids Lords, in the perſon of the ſaid Purſuer, as Heir foreſaid *activè*, and in the perſon of the ſaid Defender *paſſivè*, and of his ſaid Tutors and Curators for their Intereſt; and ſicklike, Diligence, Proceſs, Action and Execution, ordained to be direct, led, raiſed, uſed and execute therein, at the inſtance of the ſaid Purſuer, as Heir foreſaid, againſt the ſaid Defender,

der, as repreſenting his ſaid deceaſt Father and Grand-father immediatly and by Progreſs, in manner foreſaid, and his ſaid Tutors and Curators for their Intereſts, as might or could have been direct, led, raiſed, uſed and execute at his own or his ſaid deceaſt Father or Grand-father their Inſtances againſt the ſaid Defender, his ſaid deceaſt Father or Grand-father, at any time in their Lifetimes before their deceaſe, or as if they were yet on Life, for implement and fulfilling to him or them of the ſaid Right and Diſpoſition and Security of the ſaids Lands and others foreſaids, thereby Diſponed, conform to the Tenor thereof, Laws and dayly Practique of this our Realm, uſed and obſerved in the like Caſes, in all Points, or elſe to alledge an reaſonable cauſe, — (*as in the former Summonds*) According to Juſtice, *&c.*

Nota, *This Summonds needs no Bill, and if ye cannot prove a Paſſive Title by Writ, but muſt refer all the Paſſive Titles to the Defenders Oath, ye muſt inſert a ſecond Dyet, if ye have not a general Charge previouſly raiſed and execute.*

SUMMONDS of Tranſumpt of the Writs and Evidences of certain Lands Diſponed, and Teinds Aſſigned, at the inſtance of the Acquirers Heir, againſt the Heir of the Diſponer.

CHARLES, &c, To Our Lovits, *&c.* Our Sheriffs in that part, and Meſſengers *reſpectivè*, &c. Meant and ſhowen to Us by *C. D.* of —— Son and Heir ſerved and retoured to the deceaſt *W. D.* —— That where the deceaſt *A. B.* of —— by his Diſpoſition dated the ——— day of ——— 16— years, for the onerous Cauſes therein-ſpecified, Sold, Annailzied, and Diſponed to the ſaid deceaſt *W. D.* his Heirs and Aſſigneys whatſomever, Heretably and Irredeemably, all and haill the Lands of ——, lying within the Sheriffdom of ——, and bound and obliged him, his Heirs and Succeſſors, duly and ſufficiently to Infeft and Seaſe them therein, by double Infeftments, to be holden, and with abſolute Warrandice, in manner ſpecified in the ſaid Right and Diſpoſition, whereby the ſaid deceaſt *A B.* not only aſſigned, tranferred, and diſponed in favours of the ſaid Purſuers Father, and his foreſaids, the Writs and Evidents, in ſo far as might be extended to the Lands and others above-diſponed, with the Pertinents, and Tacks and other Rights of the Teinds, Parſonage and Viccarge thereof, but alſo obliged him and his foreſaids to exhibite the ſame, conform to the ſubſcribed Inventar thereof apart, and of the date of the ſaid Diſpoſition, before our Lords of Council and Seſſion, or other Judges competent, to the effect the ſame might be Judicially Tranſumpted, and the Authentick Tranſumpts thereof delivered to the ſaid *W. D.* and his foreſaids, on the Diſponer and his Heirs their own proper Charges and Expenſes; and likeways, to make the Principal Writs and Evidents themſelves furth-coming, in all Caſes and Cauſes wherein Tranſumpts ſhall not be ſufficient, and that upon the Receivers Obligement for redelivery thereof, after cloſure of ſuch Actions, as they ſhould be neceſſar in, as the ſaid Right and Diſpoſition of the date foreſaid, containing divers other Clauſes conceived in the Receiver and his foreſaids their favours, in it ſelf more fully is expreſt; (4) and albeit it be of verity, that the ſaid *A. B.* at no time in his lifetime, nor no other in his Name, at any time ſenſyne, have fulfilled to the Purſuers Father, at any time in his lifetime, the foreſaid Diſpoſition, as to the ſaids Judicial Tranſumpts, and making the principal Writs and Evidents furth-coming, both as to Stock and Teinds, as ſaid is; and that the ſaid Purſuer, as Heir ſerved and retoured

to his ſaid deceaſt Father, has oft and diverſe times deſired and required *A. B.* eldeſt lawful Son and Heir, Served and Retoured to the ſaid deceaſt *A. B.* at leaſt lawfully charged to enter Heir to him, (*here take in the other Paſſive Titles,*) to exhibit and produce the ſaids Writs and Evidents of the ſaids Lands, and others above-diſponed, and Tacks and Rights of the Teinds, Parſonage, and Vicarage thereof, conform to the ſaid Inventar, before the ſaids Lords of Council and Seſſion, to the effect above-ſpecified, and on the Defenders Charges and Expenſes. And likewiſe, to make the Principals furth-coming in manner foreſaid: Nevertheleſs, *&c.* as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn, and Charge the ſaid *A. B.* now of —— *nominibus paſſivis quibus ſupra*, Perſonally, or at his Dwelling-place on twenty one days Warning, to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid Matter. *That is to ſay*, the ſaid Defender to hear and ſee himſelf decerned and ordained by Decreet of the ſaids Lords, to bring with him, exhibit, and produce before the ſaids Lords, the haill Writs and Evidents of the ſaids Lands and others above-diſponed, with the Pertinents and Tacks, Prorogations, and other Rights of the Teinds, Parſonage, and Vicarage thereof, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame decerned and ordained to be Judicially Tranſumpted, and the Judicial and Authentick Tranſumpts of the ſame, delivered to the ſaid Purſuer as Heir foreſaid, under the hand of the Clerk Regiſter or his Depute, and the ſaids Tranſumpts ordained to be als ſufficient, and of als great Force, Strength, and Effect to the ſaid Purſuer, his Heirs and Aſſigneys, in Judgment and out-with the ſame in time coming, for their peaceable Poſſeſſion, Bruiking, and Enjoyment of the ſame, as if the Purſuer had Extracts of the ſame from off the Publick Regiſter, and the ſaid Defender, upon the Paſſive Titles above-ſpecified, or one or other of them, to hear and ſee himſelf decerned, not only to ſatisfie and pay for the ſaid Tranſumpts; but alſo, for to make the principal Writs and Evidents themſelves, as to both Lands and Teinds, furth-coming to the ſaid Purſuer and his foreſaids, in all Caſes and Cauſes wherein Tranſumpts ſhall not be ſufficient, and he deſired thereto, and that upon Inventar bearing an Obligement for Re-delivery thereof, after Cloſure of ſuch Actions and Cauſes as they ſhall be neceſſary in, after the Form and Tenor of the ſaid Diſpoſition, Laws and dayly Practiques of this Realm, uſed and obſerved in the like Caſes in all Points; or elſe to alledge a reaſonable Cauſe, *&c.* With Certification, *&c.* as in other ordinary Summonds. According to Juſtice, as ye will Anſwer.

Needs no Bill; but if ye cannot inſtruct a Paſſive Title, inſert a ſecond Dyet.

SUMMONDS of Regiſtration of a Diſpoſition of Lands, by way of Action againſt the Heir of the Granter, not being Regiſtrat, and to prevent its Amiſſion in Proceſs, or otherwiſe.

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that part, and Meſſengers *reſpectivè*, *&c.* Meant and Shown to us by *C. D.* of —— eldeſt lawful Son and Heir, Served and Retoured to the deceaſt *W. D.* of —— That where, (*here take in the Narrative of the former Summonds of Tranſumpt, till ye come to the* (4) *Figure, and then Libel thus,*) And albeit it be of Verity, that the ſaid Diſpoſition was not fulfilled by the ſaid deceaſt *A. B.* Granter thereof to the ſaid deceaſt *W. D.* in the haill Obligements, Articles, and Clauſes thereof, at any time in their own Lifetimes, and that the Purſuer, as Son and Heir foreſaid to the ſaid

ſaid deceaſt *W.D.* has oft and diverſe times deſired and required *A.B.* now of —— as eldeſt Son and Heir, Served and Retoured to the ſaid deceaſt *A. B.* at leaſt, lawfully Charged to enter Heir to him within fourty days, conform to the Act of Parliament; at leaſt (*here inſert the other Paſſive Titles,*) to have fulfilled to him the ſaid Diſpoſition, in the Haill Heads, Articles, and Clauſes thereof: Nevertheleſs, he not only wrongouſly refuſes, poſtpones, and defers to do the ſame; but alſo, will not compear before our Lords of Council and Seſſion, and conſent to the Regiſtration thereof in their Books, that a Decreet of the ſaids Lords, may be interponed thereto, and Letters of Horning and others neceſſary appointed to paſs thereupon, or yet conſent, that Procurators be Conſtitute for that Effect, conform to the Clauſe of Regiſtration after-ſpecified therein-contained, that the principal may be kept, and ly *in publica cuſtodia*, for Preſervation thereof againſt all Accidents and Contingents, and the Purſuer may have Extracts thereof, as his own, and his Heirs and Succeſſors, their Security of the Lands and others foreſaids, and be a Ground of Execution and Diligence at their Inſtance againſt him, and his Heirs and Succeſſors, for Implement and fulfilling of the ſaid Diſpoſition, without he be compelled, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn, and Charge the ſaid *A. B.* now of —— *nominibus quibus ſupra*, Perſonally, or at his Dwelling-Place, on twenty one days Warning, to compear, *&c.* To anſwer at the Inſtance of the ſaid Purſuer in the ſaid Matter, *That is to ſay*, the ſaid Defender, upon the Paſſive Titles above-ſpecified, or one or other of them, to hear and ſee the foreſaid Diſpoſition, whereof the Tenor follows, (*here Inſert the Diſpoſition Word by Word, and* Sic Subſcribitur, *as to the Subſcriber and Witneſs, and then ſay,*) Ordained by Decreet of our ſaids Lords, to be Inſert and Regiſtrat in the Books of Council and Seſſion, at the Inſtance of the ſaid *C. D.* as Son and Heir foreſaid to the deceaſt *W. D.* his Father Active, againſt the ſaid *A. B.* now of —— as Son and Heir foreſaid to the ſaid deceaſt *A. B.* of —— Maker and Granter thereof, and remanent Paſſive Titles, or one or other of them Paſſive, and the Principal Ordained to remain, and be kept *in publica cuſtodia*, for Preſervation thereof againſt all Accidents & Contingents, and Extracts of the ſame to be given out to the ſaid Purſuer, for his own, his Heirs and Succeſſors, their Security of the ſaids Lands and others foreſaids, under our Clerk of Regiſter, or his Depurs, their hands, and declared by the ſaids Lords to be als ſufficient, as if the ſame had been Regiſtrat therein, in the Granter and Receivers Lifetime. By vertue of the ſaid Clauſe of Regiſtration, and patent Letters for Procurators therein-contained; and als, to hear and ſee ſicklike Letters of Horning, and other Letters, Execution, and Diligence, Decerned and Ordained by Decreet foreſaid, to be direct, led, raiſed, uſed, and execute thereupon, at the Inſtance of the ſaid Purſuer as Heir foreſaid, againſt the ſaid *A. B.* Defender, as might or could have been direct, raiſed, uſed, and execute at the Inſtance of the ſaid deceaſt *W. D.* againſt the ſaid deceaſt *A. B.* at any time in their own Lifetimes before their Deceaſe, or as if they were yet on life, upon an Extract of the ſaid Diſpoſition, had the ſame then been Regiſtrat in the ſaids Books of Council and Seſſion, conform to the Clauſe of Regiſtration therein-contained, and that for Implement and fulfilling to the ſaid Purſuer, as Heir foreſaid of the ſaid Diſpoſition, in the haill Heads, Articles, and Clauſes thereof, in ſo far as the Defenders Father ſtands bound and obliged to the Purſuers Father, and his Heirs thereby, after the Form and Tenor of the ſaid Diſpoſition, Clauſe of Regiſtration, and Patent Letters, for Conſtitution of Procurators therein-contained, Laws and dayly Practique of this our Realm, uſed and obſerved in the like Caſes in all Points; or elſe to alledge a reaſonable Cauſe, *&c.* With Certification, *&c.* The Lords will decern in manner foreſaid, According to Juſtice, as ye will Anſwer, *&c.*

If ye can inſtruct a Paſſive Title, otherwiſe than by the Defender's Oath, it needs no ſecond Dyet, elſe it muſt.

SUMMONDS of Incident Diligence, (alias, Exhibition of Papers,) to ſatisfie the Production where Lands are acquired, and the Buyer and his Author's Right called in Queſtion in an Improbation, by an other Perſon pretending Right to the Lands ſo acquired.

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that part, and Meſſengers *reſpective*, *&c.* Meant and Shown to us by *A. B.* of —— eldeſt lawful Son and Heir, Served and Retoured to the deceaſt *A. B.* of —— That where the deceaſt *W. D.* of —— by his Right and Diſpoſition, of the date the — day of — 16 — years, for the onerous Cauſes therein ſpecified, Sold, Analzied, and Diſponed to the ſaid deceaſt *A. B.* his Heirs and Aſſigneys whatſoever, Heretably and Irredeemably, all and haill the Lands of — with the haill Mannor Places, Houſes, Biggings, *&c.* (*as in the Diſpoſition,*) lying within the Parochin of —--- and Sheriffdom of ——— and bound and obliged him, his Heirs and Succeſſors, to Infeft and Seaſe him and his foreſaids, Heretably and Irredeemably therein, by double Infeftments to be holden, and with abſolute Warrandice in manner therein-expreſt, and for their further Security thereanent, Aſſigned, Transferred, and Diſponed in their favours, the Writs and Evidents of the Barony of ——— whereof the ſaids Lands and others above-diſponed with the Pertinents, are a part, in ſo far as might be extended thereto, together with the Tacks and other Rights of the Teinds of the Barony alſo, in ſo far as might be extended to the Teinds of the Lands diſponed in manner foreſaid, and conſtitute them his Aſſigneys to the Mails and Duties of the ſaids Lands, and to the Teinds thereof, of the Cropt and year of God 16 ——— years, and yearly in all time thereafter, and all Action competent thereon for ever, and bound and obliged him and his foreſaids, not only to exhibit the ſaids Writs and Evidents of the ſaids Lands, and Tacks and other Rights of the ſaids Teinds above-diſponed, before any Judge competent, to the effect, the ſaid deceaſt *A. B.* and his foreſaids, might have Judicial Tranſumpts thereof; but alſo, to make the principal Writs and Evidents themſelves, furth-coming to them in all Caſes and Cauſes, wherein Tranſumpts ſhall not be ſufficient, as the ſaid Right and Diſpoſition of the date foreſaid, containing ſeveral other Clauſes conceived in their favours, together with the Infeftment following thereupon, in themſelves more fully proport. *And true it is*, that notwithſtanding of the ſaid Right, yet M. *J. G.* pretending (*as would appear,*) to have Right to the ſaids Lands, Teinds, and others, diſponed by the ſaid deceaſt *W. D.* to the deceaſt *A. B.* Father to the ſaid Purſuer, has of late, with Concourſe of our Advocat for our Intereſt, raiſed Summonds, and intented Action of Improbation at their Inſtance, againſt the ſaid Purſuer as Son and Heir foreſaid to his ſaid deceaſt Father, and ſeveral other Perſons, and all others having or pretending to have Intereſt in the matter before our Lords of Council and Seſſion, of all the Writs and Evidents, both old and new, of the ſaids Lands and others above-ſpecified, diſponed to the Purſuers Father, and whereunto he himſelf, as Heir to him, has now Right; and likewiſe, of the Writs and Evidents of other Lands and Teinds, pertaining to the ſaids other Perſons, and craves Exhibition thereof: And that the ſame may be civily Improven, as falſly Forged, Feignied, Fabricat, Simulat, Counterfeit, Made up, Uſed, and Deviſed by the ſaid Purſuer, and other Perſons foreſaid, or their Predeceſſors, Cedents or Authors,

or

or one or other of them, and decerned to make no faith in Judgment, or outwith the ſame in time coming; and that Counterfeiters, Uſers, and Deviſers thereof, may be cenſured and puniſhed in their Perſons, Lands, and Goods, in Example, and to the Terror of others to commit the like in time coming, for the Reaſons and Cauſes libelled. And in which Action of Improbation, the ſaid Purſuer was cited for the firſt Dyet, by ---- Meſſenger, upon the ---- day of —— laſt by-paſt, to compear before the ſaids Lords, the —— day of —— next to come, in the Hour of Cauſe with Continuation of Days, bringing with him the haill Writs and Evidents of the Lands, Teinds, and others, diſponed to his ſaid deceaſt Father and his foreſaids, as ſaid is, to the effect abovementioned, and with Certification, they will be improven in manner foreſaid, as the Copy or Citation given to the ſaid Purſuer in the ſaid Matter, alſo bears: And ſeing, by the Laws and dayly Practique of this our Realm, where Actions of Eviction of Lands, or other Eſtates, & ſpecially Improbations (*the Certification whereof is peremptory,*) are Commenced, Citations given, the Acquirer, or his Heirs and Succeſſors in the Right, are not only bound and obliged to make Intimation thereof to the Seller or his Heirs, as being bound in the Warrandice againſt all ſuch Evictions; but alſo, it is moſt neceſſar and proper for the Acquirer or his Heirs ſo diſtreſt and cited, to have all the Writs and Evidents called for, and craved to be produced and improven, delivered to him, and that for ſatisfying the Production in any ſuch Improbation, and hindring and ſtopping any Certification therein. *And true it is,* that the Writs and Evidents of the ſaid Barony of ---- and Tacks and other Rights of the Teinds thereof, (and of which Barony and Teinds, the Lands and Teinds diſponed to the Purſuers Father, and now pertaining and belonging to himſelf as Heir to him, are a part,) are in the hands, Cuſtody, and Keeping of *W. D.* Son and Heir, at leaſt appearand Heir to the ſaid deceaſt *W. D.* and of ---- his Friends and Relations, or one or other of them, at leaſt they, or one or other of them, meddled and intromitted therewith, after the Deceaſe of the ſaid *W. D.* or were delivered by him or his order, to them ſometime before his Deceaſe, and have fraudulently Abſented, Vitiat, Lacerat, Cancelled, Deſtroyed, or put the ſame away: *And albeit it be of Verity,* that the ſaid Purſuer his Right of the Lands and Teinds above-ſpecified, be called in Queſtion, and by way of Improbation as ſaid is, and that he has oft and diverſe times deſired and required the forenamed Perſons, or one or other of them, Havers in their hands, Cuſtody, and Keeping of the ſaid Writs and Evidents, at leaſt who, or one or other of them, had, have, or fraudulently have Abſented, Vitiat, Lacerat, Cancelled, Deſtroyed, or put the ſame away in manner foreſaid, to give up and deliver the ſame to him as Heir foreſaid, haill in themſelves, Unvitiat or Cancelled, at leaſt in als good Caſe and Condition as they received them, for ſatisfying the ſaid Production, and preventing Certification in the ſaid Improbation, and upon Subſcribed Inventar bearing the Receipt thereof, and an Obligement for Redelivery of the ſame, after Cloſure of the ſaid Action. *Nevertheleſs,* they not only wrongouſly Refuſe, Poſtpone, and Defer to do the ſame: *But alſo,* to exhibit and produce the ſame before our Lords of Council and Seſſion, and in the Clerk of the Proceſs hand, to the effect the ſame may be produced in the ſaid Improbation, for ſatisfying the ſaid Production, and ſtopping any Certification therein. Wherefore, neceſſar it is to the ſaid Purſuer, to have thir our Summonds of Incident Diligence, direct at his Inſtance againſt them, in manner, and to the effect after-ſpecified, conform to the ſaid Diſpoſition, Obligement therein-contained, Laws and dayly Practique of this our Realm, heretofore Inviolably obſerved in the like Caſes, in all Points, as is alledged. *Our Will is therefore,* and we Charge you, that ye peremptorily Summond, Warn, and Charge the ſaids *W. D.* Son and Heir, at leaſt appearand Heir to the deceaſt *W. D.* and the ſaids —— Havers in their hands, Cuſtody, and Keeping of

the ſaids Writs and Evidents, at leaſt who, or one or other of them, had, have, or fraudfully have Abſented, Vitiat, Lacerat, Cancelled, Deſtroyed, and put the ſame away, as ſaid is, Perſonally, or at their Dwelling-places, on ſix days Warning, to compear before our ſaids Lords of Council and Seſſion, the ſaid day of next to come, in the Hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of the ſaid Purſuer. in the ſaid Matter. *That is to ſay*, the ſaids Defenders, or one or other of them, Havers in their hands, Cuſtody, and Keeping of the ſaids Writs and Evidents, of the ſaids Lands and Tacks, or other Rights of the ſaids Teinds, at leaſt who had, have, or fraudulently have Abſented, Vitiat, Lacerat, Cancelled, Deſtroyed, or put the ſame away in manner foreſaid, to bring with them, exhibit, and produce the ſame, haill in themſelves, at leaſt in als good Caſe, as they received them, before the ſaids Lords, and in the Clerk of the Proceſs hands, the ſaid day and place, in the Hour of Cauſe, with Continuation of days, as ſaid is, for ſatisfying the Production in the ſaid Improbation, and ſtopping any Certification therein, conform to the ſaid Diſpoſition, Obligement therein-contained, Laws and dayly Practique of this our Realm uſed and obſerved in the like Caſes, in all Points; or elſe to alledge a reaſonable Cauſe, *&c.* With Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion, will proceed in the ſaid Matter, and Decern in manner foreſaid, to add a ſecond Dyet. According to Juſtice, as ye will Anſwer.

Ex Deliberatione Dominorum Concilii.

Nota, *Albeit Summonds of Reduction and Improbation Conjoyned, are ſtill on twenty one days for the firſt Dyet; yet Improbation* per ſe, *may be, and ever was on ſix days, becauſe Falſet ſhould be ſummarly Diſcuſt: And conſequently, Incidents for Exhibition of Writs, to ſatisfie the Production in theſe Improbations, muſt have the ſame Benefit and Priviledge, being an* Acceſſorium. *And next, Incident Diligences on Improbations, cannot be on Acts, (as theſe mentioned in the Act of Parliament, importing only Incidents in ordinary Actions,) for they are null, if they be not raiſed before the day of Compearance in the ſecond Summonds.*

SUMMONDS of Wakning of any Proceſs.

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that Part, conjunctly and ſeverally, *&c.* Meant and Shown to Us by *A. B.* of —— That where the ſaid Purſuer raiſed Summonds, and intented Action at his Inſtance, before our Lords of Council and Seſſion, againſt *C. D.* of —— Toutching, (*here take in the Words of the Principal Summonds* concluſivè, *and reſerve the Specificks to the Libel thus,*) the Decerning of him by the ſaids Lords their Decreet, to make payment to the ſaid Purſuer of the Sums of Money Libelled, Addebted by the Defender to him, in manner, and for the Cauſes Libelled, (or the like,) as the Summonds bears, *or if it were a Reduction and Improbation, ſay,* Toutching his Exhibition and Production before the Lords, of the Writs and Evidents Libelled, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced, *&c.* And als, as being Forged and Feignied, *&c.* Improven and Declared to make no Faith in Judgment, or outwith the ſame in time coming, and the Counterfeiters, Uſers, and Deviſers thereof, Cenſured and Puniſhed in their Perſons, Lands, and Goods, in Example, and to the Terror of others to commit the like in time coming, for the Reaſons

ſons and cauſes libelled in manner more fully ſpecified in the ſaids Summonds, which contains two Dyets, and was execute as to both, and upon the day of Called, Tabulat, and Compearance made for the Defenders, and ſince which time (now by the ſpace of ——) the ſaid Action has lyen over and ſleept, wherefore neceſſar it is for the ſaid Purſuer to have the ſame wakned, in manner and to the effect after-ſpecified, as is alledged. *Our will is herefor*, and we charge you, that ye lawfully Summond, Warn and Charge —— Defenders in the ſaid principal Action perſonally, or at their dwelling places, on ſix days warning, and all others having or pretending to have Intereſt in the ſaid matter, by open Proclamation, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid matter; *That is to ſay*, the ſaids Defenders to hear and ſee the ſaid principal Action, and cauſed, called, wakned, inſiſted into, begun where it left laſt and Juſtice adminiſtrat thereuntil, until the final end and Deciſion thereof, conform to the Laws and Practique of this our Realm, uſed and obſerved in the like caſes, in all Points, or elſe to alledge, *&c.* with Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Reduce, Improve, find, Decern and Declare conform to the principal Summonds aforeſaid, in all points according to Juſtice, *&c* to be called ſummarly (6) on the ſaid one Dyet of ſix days warning, but any furder dyet, Table, Roll, or continuation of other Summonds, becauſe the ſaid Summonds being a wakning, is priviledged of its own Nature, and ſo merits ſummar Proceſs, conform to the ſaids Lords their daily Practique, and Order uſed and obſerved in the like caſes, and their Deliverance granted thereanent, as ye will Anſwer, *&c.* *Given under our Signet at* Edinburgh, *&c.*

Ex deliberatione Dominorum Concilii.

Nota, *This Summonds ſhould have a Bill, and the date of the Bill is the date of the Summonds (as in all other Caſes wherein there be Bills)*

Nota, *The Certification of this Summonds is upon a Suppoſition, that the principle Summonds is a Reduction and Improbation, but if otherways, the Lords will decern in manner foreſaid, is ſufficient (except it be a Wakning of a Declarator) and then Add, Find, Decern, and declare in manner foreſaid.*

Nota, *if the principle Action be a Reduction and Improbation, the King's Advocat ſhould be in the Wakning, as well as the Party who without the other cannot purſue, and if not in the principle Action he cannot in the other, but exacts not* 10 *Merks as in the firſt Action, neither for the Bill nor Tabling.*

Nota, *The Bill is omitted here being common and eaſie.*

SUMMONDS of Wakning of Suſpenſion expired year and day without calling for.

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that part, conjunctly and ſeverally, *&c.* ſhown to Us by *A. B.* of — That where the ſaid Purſuer having raiſed Letters of Horning at his inſtance, againſt *C. D.* of — and by vertue thereof, cauſed charge him to make payment to the ſaid Purſuer of the Sum of — *ſcots* Money of Principal, with Annualrent and Expenſes, contained in a Bond granted by him to the ſaid Purſuer thereupon, of the Date the — day of — 16 —— years, regiſtrat in the Books of Council and Seſſion, the — day of —— 16 —— years, and that within a certain ſhort ſpace next after the Charge, under the pain of Rebellion, and putting of him

to the Horn, he for eviting the danger thereof, Meaned himself to our Lords of Council and Session, and upon certain frivolous Reasons, and finding of Caution, obtained Suspension in the said matter (6) upon the —— day of —— 16 —— years, now by the space of ——) since which time the same has lyen over uncalled, wakned or discust; Wherefore necessary it is for the said Pursuer to have thir our Summonds of wakning, Direct at his instance against the said Pursuder, in manner, and to the effect after specified, conform to the Laws and inviolable Practique of this our Realm used and observed in the like cases, in all Points, as is alledged. *Our Will is therefore*, and we charge you, that ye lawfully Summond, Warn and Charge the said *C. D.* Suspender, —— on 6 days warning, to compear, *&c.* bringing with him the principal Suspension raised by him against the said Pursuer, in the said Matter, with the haill Grounds and Warrands whereupon the same proceeded, to be seen and considered by the saids Lords, and to hear and see the same Called, Wakned, Reasoned, minded into, and discust, until the final end and Decision thereof, or else, *&c.* With Certification to the said Suspender, if he failzie, Our saids Lords will cause call the same by a short Copie, and admit protestation therein, ordaining the said Letters to be put to farder Execution, and likeways decern Protestation Money, conform to the Laws and daily Practique of this our Realm, used and observed in the like cases, in all Points, according to Justice, *&c.* to be called summarly (as in the former Summonds of Wakning from this (6) Figure, and then say as ye will Answer.

Ex Deliberatione Dominorum Concilii.

Nota, *Since the Summonds must have a Bill it follows, and here it is down.*

MY Lords of Council and Session, unto your Lordships humbly sheweth, *A. B.* of —— That where I having raised Letters of Horning at my Instance against *C. D.* of —— and by vertue thereof caused charge him to make payment to me of the Sum of 1000 Merks *Scots* Money of Principal, with Annualrents and Expenses due by him to me by Bond, dated the —— day of —— Registrat the —— day of ——, and that within a certain short space next after the Charge, under the pain of Rebellion, *&c.* he for eschewing the Danger thereof, meant himself to your Lordships, and upon certain frivolous Reasons, and finding of Caution obtained Suspension in the said matter (6) upon the —— day of —— 16 —— years, now by the space of —— since which time the same has lyn over undiscussed, to my great hurt and prejudice, without Remeed be provided thereto; Herefore I beseech your Lordships, that I may have Summonds of Wakning in the Premisses against the said *C. D.* Suspender, as I please Lybel, to be called summarly on (6) days warning, but any further Dyet, Table, Roll or continuation of other Summonds, because the same being a Wakning is priviledged of its own Nature, and so merits summar Process, conform to your Lordships daily Practique, and Order used and observed in the like cases, and your Deliverance to be granted thereanent. And your Lordships Answer.

Bill of Summonds prevento termino.

MY Lords of Council and Session, unto your Lordships humbly sheweth, *A. B.* of —— That where *C. D.* of —— (*here take in the Narrative of the former Bill of Wakning of a Suspension, till ye come to the* (6) *Figure*, & then say) to a certain

tain long Day yet to come, thereby to poſtpone Juſtice, and fruſtrat me of my payment this Seſſion, and that to my great hurt and prejudice, without Remeed be provided thereto; Herefore I beſeech your Lordſhips, that I may have Summonds in the Premiſſes as I pleaſe lybel, for citeing the ſaid *C. D.* Suſpender perſonally, or at his Dwelling-place, to compear before your Lordſhips the Morrow next after the Charge *prevento termino*, bringing with him, exhibiting and producing before your Lordſhips the foreſaid pretended principal Suſpenſion, raiſed by him in the ſaid matter, and haill Grounds and Warrants whereupon the ſame proceeded, to be ſeen and conſidered by your Lordſhips, and to hear and ſee the ſame called for, reaſoned, inſiſted in, diſcuſt, and Juſtice adminiſtrat therein, until the final end, and Deciſion thereof, *prevento termino*, and notwithſtanding the day of Compearance be not yet come, or elſe, *&c.* with Certification, *&c. in communi forma.* And your Lordſhips Anſwer.

SUMMONDS prevento termino, *on the ſaid Bill.*

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that part, conjunctly and ſeverally, *&c.* meant and ſhown to us by *A.* B. of —— That where (*here take in the Narrative of the former Summonds of waking of a Suſpenſion, till ye come to the* (6) *Figure, and then ſay*) to a certain long day yet to come, thereby to poſtpone the Purſuer of Juſtice, and fruſtrat him of payment this Seſſion, to his great hurt and prejudice, without remeed be provided thereto, as is alledged. *Our Willis herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaid *C. D.* Suſpender, *&c.* to compear before the ſaids Lords, at *Edinburgh*, or where it ſhall happen them to be for the time, the Morrow next after the Charge *prevento termino*, bringing with him, exhibiting and producing before the ſaids Lords the foreſaid pretended principal Suſpenſion, raiſed by him in the ſaid matter, and haill Grounds and Warrands whereupon the ſame proceeded, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame Called, Reaſoned, inſiſted into, diſcuſt, and Juſtice adminiſtrat therein, until the final end and Deciſion thereof *prevento termino*; Or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to him if he failzie, the ſaids Lords will allow the ſame to be called for by a ſhort Copy, and admit proteſtation in the ſaid matter, Ordaining the ſaids Letters to have effect, and to be put to furder Execution, notwithſtanding of the foreſaid Suſpenſion, Reaſons therein contained, and that the day of compearance is not yet come: According to Juſtice as ye will Anſwer, *&c.*

Ex deliberatione Dominorum Concilii.

BILL *of Summonds of Improbation* per ſe, *which ſeldom falls out but where there is a real Falſehood, and yet I ſet it down.*

MY Lords of Council and Seſſion, unto your Lordſhips humbly ſheweth, *A. B.* of —— by whom the pretended Bond and Diſpoſition after-ſpecified, are alledged, made and granted, and *S. G. M.* of *R.* his Majeſties Advocat for his Highneſs Intereſt in the matter under-written, That where I the ſaid *A.* B. am with concourſe of his ſaid Majeſties Advocat, to raiſe Summonds and intent Action at my inſtance, againſt *C.* D. of

—— and all others having or pretending to have Intereſt in the matter under-written, before your Lordſhips, touching the Exhibition and production before your Lordſhips of the pretended Bond and Diſpoſition under-written, *viz.* — of the Dates, Tenors and Contents above-ſpecified, or of whatſoever other Dates, Tenors or Contents the ſame be of, to be ſeen and conſidered by your Lordſhips, and to hear and ſee the ſame (6) being falſely forged, *&c.* be civily and lawfully improven, *&c.* and being ſo improven, decerned and declared to make no Faith in Judgement, *&c.* and the Counterfiters, *&c.* cenſured and puniſhed, *&c.* for the Reaſons and Cauſes libelled, *Herefore* I beſeech your Lordſhips, that I with Concourſe of his ſaid Majeſties Advocat, may have Summonds in the Premiſſes; as I pleaſe Libel upon two Dyets, the firſt on (6) days, and the ſecond on 6 days, to be Tabulat, the ſaid Improbation in his Majeſties Table, and called by the Order and Priviledge thereof, conform to your Lordſhips daily Practique, and Order uſed and obſerved in the like Caſes, and your deliverance to be granted thereanent, and your Lordſhips Anſwer.

The Kings Advocats Conſent and Subſcription muſt be firſt had to this Bill, and then written upon in the Bill-Chamber, and paſt by the Lord Ordinar on the Bills, and then ſubſcribed by the Clerk of the Bills, and goes in courſe.

SUMMONDS of Improbation, on the ſaid Bill.

CHARLES, &c. To Our Lovits, *&c.* Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, ſpecially conſtitute, Greeting. *Our Will is herefore*, and We Charge you, that ye peremptorly Summond, Warn and Charge *C. D.* of ——, to whom and in whoſe favours the pretended Bond and Diſpoſition after-ſpecified, are alledged, made and granted in manner after-mentioned, perſonally, or at his dwelling place, on ſix days Warning, and all others, *&c.* by open Proclamation, *&c.* to Compear, *&c.* to Anſwer at the inſtance of *A. B.* of —— by whom and to whoſe great hurt and prejudice, the foreſaids pretended Bond and Diſpoſition are alledged made and granted, and als to anſwer at the inſtance of S. *G. M.* of *R.* Our Advocat for Our Intereſt, in the matter under-written, and with whoſe concourſe the ſaid Purſuer has ſufficient, good and undoubted Right and Intereſt, to call for Exhibition and Production thereof, and to proſecute, follow-furth and purſue the Action of (7) Improbation thereof, after-ſpecified, in manner after-mentioned; *that is to ſay*, the ſaids Defenders to bring with them, exhibite & produce, before our ſaid Lords of Council and Seſſion, the ſaid day and place, in the hour of cauſe, with continuation of days, (*here inſert the tenor of the Bond and Diſpoſition craved to be improven, and then ſay*) of the dates, tenors and contents above-ſpecified, or of whatſomever other dates, tenors, or contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame, (8) as being falſly forged, feinzied, fabricat, ſimulat, counterfeit, made up, uſed and deviſed by the ſaid Defender, be civilly and lawfully improven by Decreet of the ſaids Lords, and that *per teſtes inſertes, & omni alio modo quo de jure*, and being ſo improven, decerned and declared by their Decreet, to make no Faith in Judgment, nor out-with the ſame, in time-coming, and the ſaid Defender, Counterfeitter, Uſer or Deviſer thereof, ordained alſo to be cenſured and puniſhed in his Perſon, Lands and Goods, in example and to the terror of others, to commit the like in time-coming, for the reaſons and cauſes following, to wit, (*here leave a Blank for the Reaſons, and*

and then ſay) and therefore the foreſaid pretended Bond and Diſpoſition, of the dates, tenors and contents above-ſpecified, or of whatſomever other dates, tenors, or contents the ſame be of, ought and ſhould (9) as being falſly forged, feignzied, fabricat, ſimulat, counterfeit, made up, uſed, or deviſed by the ſaid Defender, be civilly and lawfully improven, by Decreet of the ſaids Lords, and that *per teſtes inſertos, & omni alio modo quo de jure*; and being ſo improven, decerned and declared by Decreet foreſaid, to make no Faith in Judgment, or outwith the ſame, in time-coming, and the counterfeiter, uſer and deviſer thereof, cenſured and puniſhed in his Perſon, Lands and Goods, in example, and to the terror of others, to commit the like in time-coming, for the reaſons and cauſes foreſaids, and others, *&c.* conform to the Laws and dayly Practique of this our Realm, uſed and obſerved in the like caſes, in all points, or elſe, *&c.* with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and (10) improve, decern and declare in manner foreſaid; and if the ſaid Defender failzie, and compear not, day and place foreſaid, that ye Meſſengers at Arms (*the firſt Dyet being elapſed*) of new again lawfully ſummond, warn and charge him perſonally apprehended, on ſix days warning, to compear perſonally before the ſaids Lords, the —— day of —— thereafter, in the hour of cauſe, with continuation of days, to hear and ſee all neceſſar and lawful Probation led and deduced in the ſaid matter, and to give and depone his Oath of verity thereuntil, in ſo far as ſhall not be proven by Writ or Witneſſes, with Certification to him if he failzie, he ſhall be holden as confeſt, and Decreet given and pronounced againſt him in the ſaid matter, (11) improving, decerning and declaring in manner foreſaid, according to Juſtice, —— to be Tabulat, the ſaid Improbation, in our Table, and called by the order and priviledge thereof, conform to our ſaids Lords their dayly Practique and Order uſed and obſerved in the like caſes, and their Deliverance granted thereanent, as ye will anſwer, *&c.*

Ex Deliberatione Dominorum Concilii.

Nota, *There is alſo Summonds of Reduction and Improbation, and becauſe of the Improbation muſt have a Bill to be expede, in the way and manner formerly preſcribed, but I omit both the Summonds and Bill here, there being no differ betwixt this and the former, but to add the Words of the Reduction in their proper places,* viz. *in the Bill at this* (6) *Figure, add* the ſame reduced, retreated, *&c.* and als to hear and ſee the ſame, *as in the Bill*; *and in the Summonds at this* (7) *Figure, add* Reduction; *and at this* (8) *Figure in the Summonds, add* be reduced, retreated, reſcinded, caſſed, annulled, decerned and declared by Decreet of the ſaids Lords, to have been from the beginning, to be now and in all time-coming, null and of no avail, force, ſtrength nor effect, with all that has followed, or that may follow thereupon; *and als follow the former Draught, till ye come to this* (9) *Figure, and then add* be reduced, retreated, reſcinded, *ut ſupra*; *and als follow furth the Draught, till ye come to this* (10) *Figure, and then ſay* reduce; *and afterwards follow furth the Draught till ye come to this* (11) *Figure, and there add* reducing, *and then follow furth the Draught* ad finem: *and as this Summonds muſt have a Bill, becauſe of the Improbation, as ſaid is, ſo the date of the Bill muſt be the date of the Summonds, and afterwards add*

Ex Deliberatione Dominorum Concilii.

Nota, *Sometimes when an Eſtate is affected with ſeveral Appryſings, Adjudications, Infeftments of Property and Annualrents,* &c. *and even*

Inhibitions and Interdictions, it is usual for the Creditor who conceives himself to have the first or best buckled Appryſing or Adjudication, and thereby apprehends he may exclude the reſt, either meerly upon the account of preference, or by reaſon of Nullities in their Rights which may overturn and evacuat the ſame, or becauſe the Rights were ſatisfied by the Debitor himſelf, or by Intromiſſion, and yet kept up and made uſe of for the behoof of the Debitor, and the like Grounds, to raiſe Summonds of Reduction, Improbation and Declarator, not only againſt all theſe Pretenders, but alſo the Heretor himſelf for his Intereſt; and albeit Improbation be ordinarly conjoyned, it is only to force a production of all their Rights, and by a Certification to bolt the Door contra non producta; *and as to what produced, to know the ſtrength or weakneſs, and Nullities thereof, in order to proſecute the Reduction, and if that fail (in caſe no Nullities or ground of Reduction to be found,) then to proſecute the Declarator upon the ſeveral* Mediums *thereof, which always ſhould be libelled by way of Alternatives, that what one will not do, another may; and therefore it is not unworthy of my Pains to libel the ſaid Summonds, and firſt I begin with its Bill, becauſe a Bill muſt be upon the account of Improbation.*

BILL of Reduction, Improbation, and Declarator.

MY Lords of Council and Seſſion, Unto your Lordſhips humbly ſheweth, M. *J. H.* of ---- and S. *J. N.* of D. his Majeſties Advocat for his Highneſs Intereſt, in the matter under-written: That where I, with concourſe of his ſaid Majeſties Advocat, am to raiſe Summonds and intent Action at my inſtance before your Lordſhips, againſt *C.* D. of ----, who is lawful Debitor to me, for my ſelf, and having Right from divers other perſons, in great and conſiderable Debts, and Sums of Money by Bonds and otherways, and for which I have Appryſed his Lands and Eſtate, and thereupon ſtands Infeft and Seaſed, and againſt ----, to whom, or ane or other of them he was alledged Interdicted, before Contracting of ane or other of the ſaids Debts, and alſ againſt ----, who likeways pretend to be Creditors to the ſaid *C. D.* my Debitor, by Bonds, Decreets, Appryſings, Adjudications, Infeftments of Property, and Annualrents, or otherways, and ---- their Cedents, in one or other of the ſaid Debts and Rights, yet on life, and ---- Heirs or Appearand Heirs to ſuch of their Cedents and Authors as are deceaſt, and at whoſe Inſtances and their Cedents, or ane or other of them, there were (as is alledged) Inhibitions raiſed, ſerved, execute, and regiſtrat againſt my ſaid Debitor, and the Leidges, before contracting of ſome of the ſaids Debts, and Sums of Money, due to me in manner foreſaid, —— Meſſengers alledged Executors of the ſaids Interdictions and Inhibitions, and Denuncers of the ſaid *C. D.* my Debitor his ſaids Lands and Eſtate (now belonging to me,) at the inſtance of his ſaid other Creditors ——, and alledged Judges in the pretended Appryſings, led and deduced thereupon at their inſtance, and Executors of the Summonds of Adjudication, whereupon the ſaids Adjudications proceed, and —— Clerks to the ſaids Appryſings, —— Clerk of Regiſter, —— Clerks of Seſſion, and —— Clerks of —, by whom, or ane or other of them, the ſaids pretended Bonds were Regiſtrat, and who were Clerks to the ſaid other Decreets; and likeways againſt *leave Blank for ſome Lines, in caſe there be a neceſſity to call any moe perſons, and then ſay*) and againſt the Tutors and Curators of ſua many of the ſaids Defenders as are Minors (if they any have) for their Intereſts, and all others having or pretending to have Intereſt in the Matter above and under-written,

writen, touching their Exhibition and Production before your Lordſhips, of the Bonds, Obligations, Decreets, Aſſignations, Tranſlations, Diſpoſitions, Inhibitions and Executions thereof, Interdictions and Executions of the ſame Letters of Appryſings, Executions thereof, Decreets of Appryſings, and Adjudications, Charters and Seaſins following thereupon, Infeftments of Property and Annualrents, and other Writs and Evidents after-ſpecified, *viz.* (*here leave a large Blank for the Production, and then ſay*) of the Dates, Tenors and Contents above-ſpecified, or of whatſoever other Dates, Tenors or Contents the ſame be of, to be ſeen and conſidered by your Lordſhips, and to hear and ſee the ſame reduced, retreated, reſcinded, *&c.* And als as being falſly Forged, Feinzied, *&c.* be civilly and lawfully improven *per teſtes inſertos & omni alio modo quo de jure*, and being ſo Improven, Decerned and Declared to make no Faith in Judgement, nor out-with the ſame in time-coming, and the Counterfeiters, Uſers and Diviſers thereof cenſured and puniſhed, *&c.* for the Reaſons and Cauſes following. In the firſt, (*here leave a Blank for the Reaſons, and then ſay*) at leaſt to hear and ſee It found and declared by your Lordſhips Decreet, that (*here I omit the Grounds of Declarator for brevities Cauſe, becauſe they are inſert in the Summonds* ad longum, *but muſt be inſert in the Bill alſo, and it is fit that a little Blank be left likeways for inſerting more Grounds, in caſe Lawers think fit to add, and then ſay*) conform to my Right and Infeftments, laudable Laws and daily Practique of this Realm, heretofore inviolably obſerved in the like caſes, in all Points. *Herefore* I beſeech your Lordſhips, that I with concourſe foreſaid of His Majeſties Advocat may have Summonds in the Premiſſes, againſt the ſaid Defenders —— as I pleaſe Lybel, to be called on two Dyets, the one for Citing ſuch as are within the Kingdom on 21 days, and ſuch as are furth thereof by open Proclamation at the Mercat-Croſs of *Edinburgh*, and Peer and Shore of *Leith*, on 60 days, and againſt the ſaids Tutors and Curators, and all others having or pretending to have Intereſt by open Proclamation at the Mercat-Croſs of —— and other places needful, and the other Dyet on 6 days warning, againſt ſuch as are within the Kingdom perſonally, and ſuch as are furth thereof in manner above-ſpecified, on fifteen days warning, to be tabulat the ſaid Improbation in his Majeſties Table, and called by the Order and Priviledge thereof, conform to your Lordſhips dayly Practique, and Order uſed and obſerved in the like Caſes, and your Deliverance to be granted thereanent, and your Lordſhips Anſwer.

Nota, *This Bill is to be ſubſcribed by the Kings Advocat, and thereafter paſt as the former Bill of Improbation.*

SUMMONDS of Reduction, Improbation, and Declarator on the former Bill.

CHARLES, *&c.* to Our Lovits, *&c.* Our Sheriffs in that Part, and Meſſengers *reſpectivè*, Conjunctly and ſeverally ſpecially Conſtitute, Greeting: *Our Will is*, and we charge you, that ye peremptorly Summond, Warn and Charge —— To whom, or ane or other of them *C. D.* of —— was alledged interdyted, and Letters of Publication thereupon alledged, execute and regiſtrat, and —— to whom and in whoſe favours, or their Predeceſſors, Cedents and Authors, the pretended Bonds, Obligations, Contracts, Diſpoſitions, Charters, Procuratries and Inſtruments of Reſignation, Precepts and Inſtruments of Seaſing, and other Writs and Evidents, Rights and Securities after-ſpecified, are alledged, made and granted by the ſaid *C. D.* of — and Decreet obtained againſt him at their Inſtance for Debts in manner after-mentioned, and

at whoſe Inſtance, or one or other of them, the pretended Inhibitions under-written are alledged, ſerved, execute, and regiſtrat againſt him and our Leidges, and the Appryſings and Adjudications after-ſpecified, of the ſaid *C. D* his Lands and Eſtate after-mentioned, alledged, led, deduced, and obtained, and they, or one or other of them, by vertue of our Charters under the great Seal, or Charters from other Superiors thereupon infeft, and Decreets of Mails and Duties, and Poynding of the Ground accordingly obtained; and als —— Cedents and Authors to the ſaids Defenders (In or other of the ſaids Rights, yet on Life, and —— Heirs at leaſt appearand Heirs to ſuch of their ſaids Cedents and Authors as are deceaſt, and —— Meſſengers, alledged Executors of the ſaid Interdiction and Inhibitions, and Denuncers of the ſaids Lands, and Judge in the ſaids Appryſings: And likewiſe Executors of the Summonds of Adjudication, whereupon the ſaids Decreets of Adjudication proceeds, and —— Clerks to the ſaids Appryſings, and —— our Clerk of Regiſter, and —— Clerks of our Seſſion, and —— Clerks of the Sheriffdoms of —— and —— Clerks of the Commiſſariots of —— and —— Clerks of the Burrows of —— by whom, or one or other of them, the ſaids pretended Bonds were Regiſtrat, and who were Clerks to the ſaid other Decreets, and —— and the ſaid *C. D.* of —— for his Intereſt, in manner following, *viz.* ſo many of them as are within the Kingdom, Perſonally, or at their Dwelling places on twenty one days Warning, and ſo many of them as are furth thereof, by open Proclamation at the Mercat-Croſs of *Edinburgh*, and Peer and Shore of *Leith*, on threeſcore days Warning, and the Tutors and Curators of ſo many of the ſaids Defenders as are Minors, if they any have, for their Intereſts, and all others having, or pretending to have Intereſt in the matter under-written, by open Proclamation at the Mercat-Croſs of —— and other Places needful, to compear before our Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— if it be lawful, and failzieing thereof, the next lawful day thereafter following, in the Hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of our Lovit Mr. *J. H.* of —— Heretable Proprietor of —— and who ſtands Heretably Infeft and Seaſed in the Lands and others after-ſpecified, *viz.* (*here leave blank for the Lands and Teinds, which muſt be inſert as they ly in the Charter and Seaſin on the ſaid Appryſing, and then ſay*) conform to the Charters granted by us and our moſt Royal Progenitors, and other Superiors to him thereupon, and Seaſins following on the ſame, which are duly Regiſtrat conform to the Act of Parliament, and which Charters proceed on an Appryſing led at the Inſtance of the ſaid M. *J. H.* Purſuer, againſt the ſaid *C. D.* of —— Heretor of the ſaids Lands, Teinds, and others foreſaids, within the new Seſſion-houſe of *Edinburgh*, before —— Meſſenger and his Collegues, upon the —— day of —— 16 —— years, for payment to him of the ſeveral Sums of Money, Principal, Annualrents and Expenſes contained in the Bonds and other Grounds therein-ſpecified, extending in the haill at the Term of —— to the Sum of —— *Scots* Money, and that as for the Principal, and of the Sheriff-fee effeirand thereto, extending to the Sum of —— Money foreſaid, *ſalvo juſto calculo*: And which Appryſing, was allowed by the Lords the —— day of —— And whereof the Legal is long ſince expired; and als, to anſwer at the Inſtance of our Truſtie Counſellor S. *J. N*, of —— our Advocat, for our Intereſt in the matter after-ſpecified, and with whoſe Concourſe, the ſaid Purſuer, (as having Right in manner foreſaid,) has ſufficient, good, and undoubted Right and Intereſt, to call for Exhibition and Production of all the ſaids pretended Interdictions, Inhibitions, Appryſings, Adjudications, and other Rights, Diligence, and Executions, with the Grounds thereof, and what elſe relating thereto, that may ſeem to burden and affect the ſaids Lands, Teinds, and others foreſaids, and to extricat the ſame of all ſuch Incumbrances and Pretenſions: And conſequently, to proſecute, follow furth, and purſue the

the Actions of Reduction, Improbation, and Declarator after-mentioned in manner after-expreſt. *That is to ſay*, the ſaids Defenders to bring with them, exhibite, and produce before our ſaids Lords of Council and Seſſion, the ſaid day and place, in the Hour of Cauſe, with Continuation of days, the pretended Bonds, Obligations, Contracts, Diſpoſitions, Charters, Infeftments, Procuratories, and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſin, Decreets of Appryſings, and Adjudications, and other Decreets, Inhibitions, Interdictions, Letters of Publication thereon, and Executions of both, Executions of the ſaid Appryſings, and of the Summonds whereupon the ſaids Adjudications proceeded, and other, Writs, Evidents, Rights, Execution, and Diligences under-written, *viz.* (*here leave blank for the Production, and then ſay*) of the Dates, Tenors, and Contents above-mentioned, or of whatſoever other Dates, Tenors, or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame Reduced, Retreated, Reſcinded, (4) Caſſed, Annulled, Decerned, and Declared by Decreet of the ſaids Lords, to have been from the beginning, to be now, and in all time coming, null and of none Avail, Force, Strength, nor Effect, with all that has followed, or that may follow thereupon; and als, as being falſly Forged, Feignied, Fabricat, Simulat, Counterfeit, Made up, Uſed, or Deviſed by the ſaids Defenders, and their Cedents and Authors, or one or other of them; be civilly and lawfully Improven *per Teſtes Inſertos, & omni alio modo quo de jure*; and being ſo Improven, Decerned, and Declared to make no Faith in Judgment, or out-with the ſame in time coming, and the Counterfeiters, Uſers, and Deviſers thereof, Ordained to be Cenſured and Puniſhed in their Perſons, Lands, and Goods, in Example, and to the Terror of others to commit the like in time coming, for the Reaſons and Cauſes following, in the firſt, (*here leave a blank for the Reaſons, and then ſay*) At leaſt to hear and ſee it found and declared by Decreet foreſaid, that the ſaid pretended Interdiction, and Inhibitions and Executions thereof, are *ipſo facto* null, as wanting the uſual Solemnities preſcribed by Law, namely, (*here take in ſuch as ye find wanting in the Executions or Regiſtrations,*) At leaſt to hear and ſee it found and declared, that all the ſaids pretended Bonds, Appryſings, Adjudications, Inhibitions, and other Rights, were ſatisfied by the common Debitor himſelf, or by the Defenders or their Cedents, their Intromiſſions, and only kept up, and now made uſe of to affect and burden (if poſſible) the ſaids Lands and Eſtate, ſometime pertaining to the ſaid common Debitor, and for his, or his Children, or ſome other Confidents Behove, in prejudice of the Purſuer, a lawful and conſiderable Creditor, and who now has legally evicted the ſame, the way and manner foreſaid, and for juſt and lawful Debts; at leaſt to hear and ſee it found and declared, that the ſaid Purſuer, by vertue of his ſaid Appryſing and Infeftments thereon, and Expiration of the Legal, has the beſt and undoubted Right thereto, and preferable to the ſaids Defenders, their whole Rights and Pretences. And the ſame being ſo found and declared, the ſaids Defenders to hear and ſee it alſo, not only found and declared by Decreet foreſaid, that it ſhall be lawful to, and in the power of the ſaid Purſuer, his Heirs and Succeſſors, peaceably to Poſſeſs, Bruik, and Enjoy the ſame, Set, Raiſe, Uſe, and Diſpone thereupon, Heretably and Irredeemably, and as their own proper Lands and Heretages, at their pleaſure in time coming: But likewiſe, the ſaids Defenders to hear and ſee themſelves diſcharged, any ways to moleſt or trouble the ſaid Purſuer and his foreſaids, or their Tennents by Citations, or otherwiſe, in the peaceable Poſſeſſion of the ſame, by whatſoever manner of way in time coming; (5) And therefore, the ſaids pretended Bonds, Obligations, Contracts, Diſpoſitions, Charters, Infeftments, Procuratories, and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſins, Appryſings, Adjudications, Exemptions, and other Grounds thereof, Interdiction, Inhibitions, with the Exemptions of the

ſame, Decreets, and haill other Writs, Evidents, Rights, Securities, Exemption, and Diligences above-ſpecified, called for to be produced, reduced, and improven in manner foreſaid, of the Dates, Tenors, and Contents above-mentioned, or of whatſoever other Dates, Tenors, or Contents the ſame be of, ought and ſhould be reduced, retreated, reſcinded, (*here take in all above, from this* (4) *Figure, till ye come to this* (5) *Figure, with thir Alterations. Only,* (1.) *for theſe Words,* to hear and ſee, *ſay,* ought and ſhould, *wherever ye find them. And* (2.) *whereas above it ſays,* for the Reaſons and Cauſes following, *and takes them in, ſay ye here,* for the Reaſons and Cauſes foreſaids, and others: *Being needleſs to repeat them twice, and then ſay*) after the Form and Tenor of the ſaid Purſuer his Right and Infeftment aforeſaid, Laws and dayly Practique of this our Realm, heretofore Inviolably obſerved in the like Caſes, in all Points; or elſe, *&c.* With Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Reduce, Improve, Find, Decern, and Declare in manner foreſaid: And if the ſaids Defenders failzie, and compear not Day and Place foreſaid, that ye Meſſengers at Arms (the firſt Dyet being elapſed,) of new again, lawfully Summond, Warn, and Charge ſuch of them, as are within the Kingdom, Perſonally apprehended on ſix days Warning, and ſuch of them as are furth thereof in manner above-ſpecified, upon fifteen days Warning, to compear perſonally before the ſaids Lords, the —— day of —— thereafter, in the Hour of Cauſe, with Continuation of Days, to hear and ſee all neceſſar and lawful Probation led and deduced in the ſaid matter, and to give and depone their Oaths of Verity thereuntil, ſo far as ſhall not be proven by Writ or Witneſſes, with Certification to them, if they failzie, they ſhall be holden as confeſt, and Decreet given and pronunced againſt them in the ſaid matter, Reducing, Improving, Finding, Decerning, and Declaring in manner foreſaid: According to Juſtice —— to be Tabulat, the ſaid Improbation, (as in the other Stile of Summonds of Improbation,) as ye will Anſwer ——

Ex Deliberatione Dominorum Concilii.

SUMMONDS of Exhibition of Writs.

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that part, and Meſſengers *reſpectivè*, conjunctly and ſeverally, *&c.* meant and ſhown to us by *A. B.* of —— That where the ſaid Purſuer ſtands heretablie Infeft and Seaſed in all and haill —— lying within the Sheriffdom of —— as the Infeftment and Seaſin granted to him thereupon duely regiſtrat, conform to the Act of Parliament, in it ſelf more fully proports, by vertue whereof, the ſaid Purſuer has good and indoubted Right to the Writs and Evidents thereof after-ſpecified, *viz.* —— Likeas, the other Writs and Evidents after-mentioned. *viz.* —— are alſo the proper Writs and Evidents of the ſaid Purſuer, and he thereby ſufficient good and indoubted Right and Intereſt to the ſame, and to call for Exhibition, Production and Delivery thereof, in manner after-expreſt, And albeit it be of verity, that the ſaid Purſuer has oft and divers times deſired and required the perſons after-named, *viz.* —— Havers in their hands, Cuſtody and Keeping of the ſaids Writs & Evidents, (at leaſt who, or ane or other of them had, have, or fraudfully have abſented, vitiat, lacerat, cancelled, deſtroyed, or put the ſame away) to give up and deliver to him the ſaids Writs and Evidents, haill in themſelves, Unvitiated, Cancelled or Deſtroyed, at leaſt in als good Caſe and Condition as they received the ſame; *Nevertheleſs*, they not only

only wrongouſly refuſe, poſtpone and defer ſua to do, but alſo to exhibite the ſaids Writs and Evidents, before our Lords of Council and Seſſion, to be ſeen and conſidered by them, and to the effect the ſame may be ordained by their Decreet, to be given up and delivered to the ſaid Purſuer, to be uſed and diſpoſed upon by him as his own proper Writs and Evidents at his pleaſure in time-coming, conform to his ſaid Infeftment, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like Caſes, in all Points, without they be compelled, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaids —— Defenders above-named — perſonally, *&c.* on ſix days warning, to compear, *&c.* to anſwer at the inſtance of the ſaid Purſuer in the ſaid matter, *That is to ſay*, the ſaids Defenders, or ane or other of them, Havers in their Hands, Cuſtody, and keeping of the ſaids Writs and Evidents (at leaſt who had, have, or fraudfully have abſented, vitiat, lacerat, cancelled, diſtroyed, or put the ſame away as ſaid is) to bring with them, exhibite and produce before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of days, the Writs and Evidents particularly and generally above-ſpecified, hail in themſelves, unvitiat, lacerat, cancelled or deſtroyed (at leaſt in als good Caſe and Condition as they were in when they received the ſame, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame Decerned and Ordained by their Decreet, to be given up and delivered to the ſaid Purſuer, as his own proper Writs and Evidents, and to be uſed and diſpoſed upon by him as ſuch, at his pleaſure in all time-coming, conform to his ſaid Infeftment and Right, Laws and dayly Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all Points, or elſe to alledge, *&c.* with Certification to the ſaids Defenders if they failzie, the ſaids Lords will proceed in the ſaid matter, and decern therein in manner foreſaid, *To inſert a ſecond Dyet, and then ſay*, According to Juſtice, as ye will anſwer, *&c.*

This Summonds before the Act of Sederunt *had a Bill, and concluded thus, to be called ſummarly on two Dyets of 6 days warning, becauſe the ſame being for Exhibition and Delivery, is priviledged of its own Nature, and ſo merits ſummar Proceſs, conform to the Lords their daily Practique, and Order uſed and obſerved in the like caſes, and their Deliverance to be granted thereanent; But the Act of* Sederunt *Ordains the ſame and ſeveral other Summonds, to be on 6 days, whether with or but a Bill, and ſo I give you no Trouble as to a Bill.*

SUMMONDS of Exhibition at the Inſtance of an appearand Heir ad Deliberandum.

CHARLES, *&c.* To Our Lovits, Our Sheriffs in that part, and Meſſengers *reſpectivè*, conjunctly, *&c.* Meant and ſhown to Us by *A. B.* Eldeſt lawful Son and appearant Heir to the deceaſt *W. B.* of ---- That whereas there is an *annus deliberandi* introduced by Law, in favours of appearand Heirs, and who in that time may adviſe whether to repreſent their Predeceſſor in his Lands and Eſtate or not, ſo appearand Heirs have likewiſe ſufficient good and indoubted Right and Priviledge, to call for Exhibition of all Bonds, Aſſignations, and other grounds of Debts granted by their ſaid Predeceſſor, and to take Inſpection thereof, and thereby being put in knowledge of the Debts and Burdens affecting the Eſtate, may thereupon conſider and deliberat, whether to enter Heir and repreſent or not, and true it is, that the per-

ſons reſpective after-named, pretend to be lawful Creditors to the ſaid Purſuers Father, in the Sums of Money after-ſpecified, and likeways pretend to have him bound and obliged by Contract, or other Write in the Bargains after-mentioned, and to the fulfilling and performance of the ſeveral Obligements and Conditions after-expreſt, *viz.* —— And in like manner there was ſeveral Debts and Sums of Money reſting to the Defunct by divers perſons, by Bonds and otherways, which are all in the Hands, Cuſtody and Keeping of *M. D.* his Relict, and albeit it be of verity, that the ſaid Purſuer as appearand Heir foreſaid, has oft and divers times deſired and required the fore-named Perſons, to give him Inſpection of the ſaids Bonds, Contracts, and other grounds of the ſaids Debts, alswell reſting be, as to his ſaid deceaſt Father, and likeways all Writs by which he was anyways bound and obliged to them, in any Bargains, or other Tranſactions, as to the performance whereof his Eſtate and Heirs may be burdened & affected. *Nevertheleſs*, they not only wrongouſly refuſe, poſtpone and defer ſo to do, but alſo to exhibit and produce the ſame before our Lords of Council and Seſſion, to the Effect he may have inſpection thereof, and thereafter deliberat, adviſe and conſider, whether he may enter Heir, and repreſent the ſaid Defunct his Father or not, conform to the Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, without they be compelled, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the ſaids —— Defenders perſonally, *&c.* on 6 days warning, to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid matter; *That is to ſay*, the ſaids Defenders to bring with them, exhibit and produce before the ſaids Lords, the ſaid day and place, in the hour of Cauſe, with continuation of days, all Bonds, Obligations, Contracts, and other Writs whereby the ſaid deceaſt *W. B.* was bound and obliged to them, or any other perſon or perſons, from whom they derive Right, either in payment of Sums of Money, or performance of Bargains, or other Facts and Deeds, and likeways all Bonds, Obligements, and other Writs in their hands belonging to the ſaid Defunct, and whereby any perſon or perſons were obliged to him in payment of Sums of Money or performance of Deeds, to the effect the ſaid Purſuer as appearand Heir to him, may have Inſpection thereof, and thereafter adviſe, Deliberat and Conſider whether he may enter Heir to, and repreſent him in his Lands and Eſtate, or not; conform to the Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, in all points, or elſe, *&c.* With Certification to the ſaids Defenders if they failzie, that ſuch as ſhall not be produced by them *ad Deliberandum* as ſaid is, ſhall never militat againſt or affect the ſaid Defunct his Eſtate, the ſaid Purſuer if he afterwards enter Heir to, and repreſent him therein: *To add a ſecond Dyet, and then ſay*, According to Juſtice, *&c.*

This had a Bill before the Act of Sederunt, *but ſince as Writers pleaſe be at the pains or not.*

SUMMONDS at the inſtance of a Creditor, againſt a Burgh, for ſuffering the Debitor to eſcape out of Priſon.

CHARLES, &c. To Our Lovits, *&c.* Our Sheriffs in that part, and Meſſengers *reſpective*, conjunctly and ſeverally, *&c.* Meant and ſhowen to Us by *A. B.* of ——, That where *C. D.* of —— by his Bond dated the — day of —— 16 ---- years (for the Cauſes therein-ſpecified) bound and obliged him, his Heirs, Executors and Succeſſors, to have contented and payed to the ſaid Purſuers,

Purſuer, his Heirs and Aſſigneys (ſecluding Executors) the Sum of ---- *Scots* Money of Principal, with the Annualrent thereof frae ----, to the Term of Payment under-written, and that betwixt the date foreſaid of the ſaid Bond and the Feaſt and Term of --- 16--- years, but longer delay, with the Sum of --- Money foreſaid of liquidat Expenſes, in caſe of Failzie, and Annualrent thereafter during the not payment, in manner ſpecified in the ſaid Bond, which was Regiſtrat in the Books of Council and Seſſion the ---- day of --- 16--- years; and whereupon the ſaid Purſuer raiſed Letters of Horning, and by vertue thereof cauſed — Meſſenger paſs upon the --- day of -- laſt by paſt, and lawfully Command and Charge the ſaid *C. D.* perſonally apprehended, to make payment to him of the Sums of Money Principal, Annualrents and Expenſes contained in the ſaid Bond, within the ſpace and under the pains contained in the ſaid Letters, and for his contempt and diſobedience, was upon the --- day --- thereafter orderly denunced Rebel, and put to the Horn, and the ſaids Letters, with the Executions thereof duely Regiſtrat, conform to the Act of Parliament; and thereafter, the ſaid Purſuer raiſed Letters of Caption at his inſtance, againſt the ſaid *C. D.* and by vertue thereof *P. C.* Meſſenger having apprehended him with Caption, upon the --- day of ---, lawfully commanded and charged *A. M.* one of the Baillies of the Burgh of --- perſonally apprehended, and delivered to him an juſt Copy of the ſaid Letters of Caption, to receive him off his Hand (being then perſonally apprehended,) and put him in ſure Ward, Firmance and Captivity, within the Tolbooth of the ſaid Burgh, or others their Warding-places, therein to remain upon his own proper Charges and Expenſes, ay and while he obtempered and obeyed the command and charge given to him by vertue of the ſaids Letters of Horning, and were orderly fred and relaxed frae the Proceſs of Horning therein-contained, and that within the ſpace and with certification ſpecified in the ſaids Letters of Caption; and accordingly the ſaid Baillie, after he had read the ſaids Letters of Caption, and charge given to him by vertue thereof, he immediatly and in obedience thereunto, received the ſaid *C. D.* as Priſoner from the ſaid Meſſenger, and incarcerat him within the Tolbooth of the ſaid Burgh, where he was booked, and inſtruments taken thereupon in the Hands of *G. D.* Nottar Publick, in preſence of the famous Witneſſes therein-ſpecified and ſubſcribing, as the ſaid Bond, Letters of Horning, Executions thereof duely Regiſtrat, together with the ſaids Letters of Caption and Executions of the Charge given to the ſaid Baillie, to the effect foreſaid, and Inſtrument above-ſpecified taken upon the ſaid Incarceration, in themſelves more fully proport; and true it is, that albeit the ſaid *C. D.* the Debitor was incarcerat in manner foreſaid, and continued Priſoner in the ſaid Tolbooth for ſeveral Weeks, yet upon the —— day of —— laſt by-paſt *A. M.* Provoſt, *A. H. L. M. G. M.* and *J. M.* Baillies of the ſaid Burgh, ſuffered the ſaid *C. D.* to eſcape out of the ſaid Tolbooth, at leaſt the Priſon not being ſufficient, he made his Eſcape furth thereof, without payment of the Debt, being relaxed frae the Horn, or a Charge to put at Liberty for that effect, wherethrough by the Laws and dayly Practique of this our Realm, not only the ſaids Magiſtrats *qua* Magiſtrats, and their Succeſſors in place and office, but even themſelves perſonally, and their Heirs and Repreſentatives are lyable *in ſolidum* for the ſaid Debt; and albeit it be of verity, that the ſaid Purſuer has oft and divers times deſired and required the ſaids Defenders to have made payment to him of the ſaid Principal Sum, Annualrents thereof bygone and in time-coming, and Expenſes above-ſpecified, contained in the ſaid Bond, Horning and Caption, and for which the ſaid *C. D.* was incarcerat in manner foreſaid; nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully ſummond, warn and charge the ſaids *A.*

M. Provoſt, *A. H. L. M. G. M.* and *J. M.* Baillies of the ſaid Burgh, f themſelves, and as repreſenting the Body and Community of the ſaid Burgh —— perſonally, *&c.* on 21 days warning, and all others having or pretendi to have Intereſt in the ſaid Matter, by open Proclamation at the Mercat-Cro of —, and other places needful, to compear, *&c.* to anſwer at the inſtance the ſaid Purſuer in the ſaid Matter, *that is to ſay*, the ſaids Defenders to hear an ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſam being ſua verified and proven, the ſaids Defenders not only *qua* Magiſtrats, an their Succeſſors in place and office, but even themſelves perſonally, and the Heirs and Repreſentatives declared and found lyable *in ſolidum* to the Purſue of the ſaid Debt, and therefore decerned and ordained by the ſaids Lords the Decreet to make payment to him of the ſaid Principal Sum, Annualrents there of by-gone and in time-coming, and Expenſes above-ſpecified contained in th ſaid Bond, Horning and Caption, and for which the ſaid *C. D.* was incarcera as ſaid is, conform to the Laws and dayly Practique of this our Realm, in a points, or elſe, *&c.* with certification, *&c.* the Lords will find, declare and de cern in manner foreſaid, (*put in a ſecond Dyet for the more ſecurity*) accord ing to Juſtice, *&c.*

Needs no Bill.

SUMMONDS for proving the tenor of a Bond, and a concluſion of Payme againſt the Debitors Heir.

CHARLES, *&c.* To Our Lovits, *&c.* Our Sheriffs in that part, and Me ſengers *reſpective*, *&c.* ſhown to Us by *A. B.* of —— eldeſt lawful Son and Heir to the deceaſt *W. D.* of ——, that where the deceaſt *M. P.* of — by his Bond dated —— the —— day of —— 16 —— years, granted him t have borrowed and received from the ſaid Purſuers Father, the Sum of — *Scots* Money, which Sum with the Annualrent thereof from the date, to th Term of payment under-written, he bound and obliged him, his Heirs Ex ecutors, Succeſſors to him in his Lands and Heretages, and Intromet with his Goods and Gear whatſomever, to Refound, Content Pay, and again deliver to the ſaid deceaſt *W. D.* his Heirs and Aſſigneys, betwixt and the Term of — *in Anno* — 16 — years, but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, together with the ordinar Annualrent of the ſaid principal —— Sum, conform to the Act of Parliament, and that yearly, Termly, and continually during the not payment thereof, after the ſaid Term; And upon which Bond, there was not only Letters of Inhibition raiſed, Execute and Regiſtrat againſt the ſaid *M. P.* in his own Lifetime, at the Inſtance of the ſaid *W. D.* And which Inhibition was written by *J. D.* Servitor to *B. W.* Writer to the Signet, and ſubſcribed by his ſaid Maſter, but alſo —— Servitor to *J. W.* Clerk of the Bills write the Delivérance on the Bill of the ſaid Inhibition thus, *fiat ut petitur*, becauſe the Lords have ſeen the Bond within-written, and the Lords paſt, and the Clerk ſubſcribed the ſame, and lyes at the Signet as the Warrand of the Signet-Letters of Inhibition ſo execute, and ſicklike the ſaid Bond was ſet down in the Inventar of the ſaid deceaſt *W. D.* his Perſonal Eſtate, as one of the Debts reſting to him, and bearing that the Annualrent was only reſting from the Term of —— 16 —— years, albeit the Bond was granted many years before, and which Inventar was written by ——, who drew the ſame from the Bonds themſelves, and read the Bonds to know the Sums and Dates, and the Diſcharges of the preceeding Annualrents are in the Hands of *M. P.* now of —— Son and Heir to the

the ſaid deceaſt *M. P.* of ——; likeas, when the Purſuer after his Fathers deceaſe craved the Annualrents reſting, he deſired a ſight of the Bond, which he obtained, and thereafter ſaid, he thought there was not ſo much Annualrent due by a Term, and would ſeek out the laſt Diſcharge, which when he had done, he by his Miſſive Letter, dated the —— day of ——, in anſwer to the Purſuers, told he was wrong, for the laſt Diſcharge was but for the Term of —— years, and when Money was got in, he would pay the Annualrents due; and ſicklike, in the Month of —— 16 —— years, the Purſuer gave in the ſaid Bond to —— to raiſe a Summonds at his inſtance as Heir to his Father, againſt the ſaid *M. P.* now of ——, as repreſenting his Father upon ane or other of the Paſſive Titles, and who promiſed Payment as ſaid is, and which he did, and ſent the Bond with the Summonds incloſed in his Letter to the Purſuer, and which Summonds was execute for the firſt and ſecond Dyet by —— Meſſenger, and called by —— Under-Clerk, and the Proceſs given out with the Bond to ſee by —— Advocat, (who was employed by the Purſuer) his Man *J A* to —— Advocat who appeared for the Defender, and was returned and inrolled, and thereafter *caſu fortuito*, amitted and loſt, and cannot be had after all the ſearch was made that could be, likeas the Writer of the ſaid Bond, and who was one of the ſubſcribing Witneſſes therein is yet alive, and knows the truth and reality thereof; and albeit it be of verity, that the ſaid Bond was extant, and yet amitted and loſt in manner foreſaid, and that the ſaid Purſuer has oft and divers times deſired and required the ſaid *M. P.* now of ——, to ſatisfie the ſaid Sum of ——, with the Annualrents, and to accept of a valid Diſcharge of the Bond, which is ſufficient to exoner him of the Debt; yet nevertheleis, he not only wrongouſly refuſes ſua to do, but alſo will not ſecure the Purſuer *aliunde* for the ſame, meerly (if poſſible) to defraud him of his juſt Debt, becauſe the Eſtate is in Burden, or to get a conſiderable eaſe, and to favour ſome of his other Creditors, againſt whom the ſaid Inhibition will militat; wherefore neceſſar it is for the ſaid Purſuer, to have the Tenor of the ſaid Bond proven, and made up *per teſtes & teſtimonia*, and being ſua made up, the Defender decerned (as repreſenting the Defunct and Debitor his Father, by ane or other of the Paſſive Titles, and as he who promiſed Payment as ſaid is) to make Payment to him of the ſaid Sums, and thir our Summonds direct for that effect, in manner and to the effect after-ſpecified, conform to the Laws and dayly Practique of this our Realm, uſed and obſerved in the like caſes in all points, as is alledged. *Our Will is herefore*, and We charge you, that ye lawfully Summond, Warn and Charge the ſaid *M. P.* as Heir ſerved and retoured to the ſaid deceaſt *M. P.* at leaſt lawfully charged to enter Heir to him within 40 days, conform to the Act of Parliament, (*here inſert the other Paſſive Titles, particularly the promiſe of Payment*) perſonally, or at his dwelling-place, on 21 days warning, and all others having or pretending to have Intereſt, *&c.* to compear, *&c.* to anſwer at the inſtance of the ſaid Purſuer in the ſaid matter, *that is to ſay*, the ſaids Defenders to hear and ſee the foreſaid Bond now loſt and amitted, made up and proven, by Decreet of the ſaids Lords, to be of the Tenor following, *viz.* (*here inſert the Tenor of an ordinar Bond, bearing the Borrowing of the Money, Obligement of Payment, with Annualrent and Expenſes, and Date as in the Narrative of the Inhibition, with a Clauſe of Regiſtration, and Witneſſes according to Information, and then ſay*) and the ſame being ſua made up and proven to hear and ſee the ſame decerned and declared by Decreet foreſaid, to be a ſufficient and valid Evident and Security to the ſaid Purſuer, his Heirs and Aſſigneys, and of alſe great faith, force, ſtrength and effect in Judgment, and out-with the ſame, and in all caſes and cauſes, yea Improbations themſelves, in time-coming, as the Principal Bond it ſelf were the ſame extant, and not amitted and loſt *caſu fortuito* in manner foreſaid; and in like

manner, the ſaid Defender upon the Paſſive Titles above-ſpecified, or ane or other of them, to hear and ſee himſelf decerned and ordained by Decreet foreſaid, to make Payment to the ſaid Purſuer, as Son and Heir foreſaid, of the ſaid Sum of —— Money foreſaid of Principal, —— Money foreſaid of Expenſes, and Annuals of the ſaid Principal Sum reſting ſince the ſaid Term of —— 16—— years, and yearly and termly in time-coming, during the not payment thereof, the Terms of payment of the ſame being firſt come and by-gone, conform to the Laws and dayly Practique of this our Realm, uſed and obſerved in the like caſes, in all points, *&c.* with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter, and decern, make up, and declare in manner foreſaid, (*inſert a ſecond Dyet, and then ſay*) according to Juſtice, as ye will anſwer, *&c.*

Nota, *Beſides the ſaids Adminicles adduced in this Summonds, there may be Caſes of this nature, wherein many moe may be adduced, as the Purſuers Advocats Conſultation when he adviſed the Matter, the Writer or his Man may have a Double or Scroll of the firſt Summonds, or the Purſuer, if not the Defenders Procurators, or ſome other perſon may have a juſt Double of the Bond, or the Summonds might have had a Bill and lying at the Signet; the Clerks or their Servants, the Advocats and their Men, or ſome other perſons might have ſeen the Bond and read it, and the like, which ſhould be all libelled* in fortiorem & ad veritatem enucliandam.

This needs no Bill.

SUMMONDS of proving of a Truſt of Lands in the Perſon of a Chamberlain and Kinſman, for the Behove of his Maſter, and that per Teſtes & Teſtimonia.

CHARLES, &c. To Our Sheriffs in that part, and Meſſengers *reſpective, &c.* Shown to Us by *J. M.* of *A.* That where, by Contract paſt betwixt the ſaid Purſuer and the deceaſt —— *Menzies* of —— dated the —— day of —— 16——years, the ſaid deceaſt —— *Menzies* (for the Sum of 36000 Merks *Scots* then payed, and to have been payed by the Purſuer to him, his Heirs and Aſſigneys, upon Requiſition; and likewiſe to his Creditors therein-named, the way, manner, and at the terms and times therein-ſpecified,) band and obliged him, his Heirs and Succeſſors, to Sell, Annalzie, and Diſpone to the ſaid Purſuer, his Heirs Male, and Aſſigneys whatſoever, or to any perſon or perſons his Lordſhip pleaſed, Heretably and Irredeemably, all and haill the Lands of *Comrie* —— lying within the Parochin of —— and Sheriffdom of —— and to Infeft and Seaſe them therein by double Infeftments to be holden, and with abſolute Warrandice in manner therein-mentioned: And conform to the which Contract, the ſaid Purſuer having partly payed, and partly ſecured for the Price of the ſaids Lands, yea ſecured for what remained unſatisfied, by an Infeftment in his own Eſtate, relative to the ſaid Contract, he procured the Diſpoſition and Rights of the ſaids Lands of —— and others, in a blank perſons name, becauſe he held ſimple Ward of a Subject, and until the Purſuer ſhould conſider whoſe name to fill up therein, in caſe he could not prevail with the Superior to have them Taxed or Feued, and finding little hope that way, after ſeveral years Forbearance, the Purſuer filled up the deceaſt —— *Murray* of *Arthurſtanes* (his own Kinſman and Chamberlain) name therein as his Truſtee, but he deceaſing by a violent Fever, and before the Purſuer could have got him denuded, the Truſt thereby remained and continued in the

the Perſon of him and his Heirs. *And albeit it be of Verity*, that the foreſaid Right was acquired by the Purſuer, the way, manner, and for the Cauſes above-ſpecified, and only inſert the ſaid deceaſt —— *Murray* his name therein in Truſt, upon the Conſiderations above-mentioned, and for the Purſuers behove, as ſaid is, and is moſt clear, evident, and palpable, not only from the pregnant Preſumptions under-written; but alſo, from the Evidences, Adminicles, and other Qualifications expreſt, and that he has oft and diverſe times deſired and required —— *Murray* now of *Arthurſtane*, Son and Heir Served and Retoured to the ſaid deceaſt —— *Muray* of —— his Father, at leaſt lawfully charged to enter Heir to him within fourty days, conform to the Act of Parliament, (*here inſert the other Paſſive Titles, and then ſay*) to eſtabliſh the Right of the ſaids Lands of —— and others foreſaids, in his Perſon. And being ſo eſtabliſhed, to denude himſelf thereof, and of the Maills, Profits, and Duties of the ſame, with the Teinds thereof, Cropt 16 —— years, (being the Cropt, to which the Purſuer, by the ſaid Contract, was to have, and by the ſaid Diſpoſition, actually had Right,) and yearly ſenſyne, and in time coming, and to aſſign to the Purſuer, the Writs and Evidents of the ſaids Lands, and others foreſaids, and Tacks and Rights of the ſaids Teinds, and Right and Diſpoſition made to the ſaid blank perſon, and wherein his ſaid deceaſt Fathers name was filled up in Truſt, in manner foreſaid, and all but with Warrandice from his own, and his Fathers Facts and Deeds allanerly. *Neverthelefs*, he wrongouſly refuſes, *&c.* And therefore, it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that the filling up of the ſaid deceaſt —— *Murray* his name in the ſaid blank Diſpoſition, was but a meer Truſt in his Perſon, for the uſe and behove of the ſaid Purſuer, and his Heirs Male and Aſſigneys; and that upon the clear, pregnant, and undenyable Grounds and Evidences, Adminicles, and Qualifications following, *viz.* (1.) By the ſaid Contract, it is clear, that the ſaid Purſuer was the Perſon that acquired the Land, and became obliged to the Heretor and his Creditors for the ſaid 36000 Merks of Price. (2.) And *de facto*, by a poſterior Contract relative to the former, betwixt the Purſuer and —— *Campbel* of *Fordie*, (who was Donator to the ſaid —— *Menzies* of *Comrie* his Eſcheat, and thereby had Right to what remained unpayed of the Price,) *Comrie* himſelf having uſed Requiſition of the Money, and thereby made Movable, and accordingly Decreets of General and Special Declarator obtained, of the date the —— day of —— 16 —— years, it was found, (after juſt Compt and Reckoning,) that there was no more reſting at the Term of —— 16 —— years, (of the whole Price and Annualrent thereof,) but the Sum of 10000 Pounds Money foreſaid, and for Security thereof, the Purſuer gave Infeftment in an Annualrent correſpondent, out of his own Eſtate, redeemable by payment of the ſaid Sum, and which payment and Security, the Purſuer would never have made or given, if the Land acquired, had not been for his own behove. (3.) Not only the original Writs of the Lands and Eſtate acquired, but even the ſaid Diſpoſition blank in the name, and both Contracts aforeſaid, were ſince the very Subſcribing thereof, in the hands of the Purſuer, to whom the ſame were then delivered, and to this day remains; ſo, whereas had they been the Truſtees own Evidents and Securities, he (and not the Purſuer) had been Maſter of them. (4.) The very Writer of, and Witneſs in the ſaid Diſpoſition, know that the Acquiſition and Purchaſe was made by the Purſuer, and that the Diſpoſition was delivered to the Purſuer, (blank in the name) upon the former Conſiderations of the nature of the holding. (5.) It is offered to be proven by famous Gentlemen and Witneſſes, (beyond all Exception,) that at diverſe Tryſts and Meetings with the Laird of *Weem* Superior, it was known and publick, that the Acquiſition was the Purſuers, and no leſs declared to the Superior, and when the Su-

perior could not be prevailed with, neither to quite the Superiority, or yet Tax or Feu the Lands, then the Purſuer called for —— and in preſence of —— cauſed him fill up the ſaid deceaſt —— *Murray* his name in the ſaid Diſpoſition, and declared in preſence of all of them, it was only in Truſt, and for the Purſuers behove, and thereafter put up the Diſpoſition with the reſt of the Evidents of the Lands, and which he alſo had by him, (6) the Purſuer having appointed the ſaid deceaſt —— *Murray* his Chamberlain, for many years before the ſaid Acquiſition, how ſoon the Acquiſition was made, the Lands acquired, and the Duties thereof. were added to the Rental given to the Defunct, and in his Accompts of Intromiſſion with the Purſuers Eſtate, charged himſelf with, and Compted for theſe, als well as for the Rents of his other Eſtate, yea by the ſpace of —— years that he died, and the Purſuer in that time, granted Tacks to ſeveral of the Tennents, by which they were bound to pay the Rents and Duties to his Lordſhip, not the Defunct, which could never have been, were they the Defuncts Lands, and not the Purſuers, (7) it conſiſted with the Defenders own knowledge, that his Father had no Right or Pretence thereto, but a meer Truſt in his Perſon for his Lordſhips behove, as ſaid is. And *Laſtly*, when the Defenders Father cleared his Affairs, long before his Death, and provided his Children, and made a clear March betwixt the Heirs and other Children, he never pretended to any Intereſt in theſe Lands, and even after his Deceaſe, the Defender cleared the former years Accompt of his Fathers Intromiſſion with the Purſuer, and therein charged himſelf with the Rents of the acquired Lands, and diſcharged accordingly, and gave up a Liſt of Reſts, amongſt which were ſome of the Tennents of thoſe Lands: And by all which Evidences, Adminicles, and other Qualifications, there is nothing more clear and apparent, than that the ſaid Diſpoſition was a meer Truſt in the ſaid Defunct his Perſon, for the uſe and behove of the Purſuer and his foreſaids, as ſaid is. And the ſame being ſo found and declared, the ſaid Defender ought and ſhould be Decerned and Ordained upon the Paſſive Titles above-ſpecified, or one or other of them, to eſtabliſh the Right of the ſaids Lands of —— and others foreſaids, in his Perſon: And being ſo eſtabliſhed, to Denude himſelf thereof, (12) and of the Mails, Profits, and Duties of the ſame, with the Teinds thereof, Cropt 16 —— years, being the Cropt to which the Purſuer, by the ſaid firſt Contract, was to have (and by the ſaid Diſpoſition actually had) Right, and yearly ſenſyne, and in time coming, in favours of the ſaid Purſuer and his foreſaids, and to aſſign the Writs and Evidents of the ſaids Lands and others foreſaids, and Tacks and Rights of the ſaids Teinds, and Right and Diſpoſition made to the ſaid blank Perſon, and wherein his deceaſt Fathers name was filled up in Truſt, in manner foreſaid, and all, but with Warrandice from his own and his ſaid deceaſt Fathers, their Facts and Deeds allannerly, and that conform to the laudable Laws and daily Practique of this our Realm, heretofore inviolably uſed and obſerved in the like Caſes, in all Points, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn, and Charge the ſaid —— *Murray* now of *Arthurſtane*, *nominibus quibus ſupra*, Perſonally, or at his Dwelling-place, on twenty one days Warning, and all others, *&c.* by open Proclamation, *&c.* To compear, *&c.* To anſwer at the Inſtance of the ſaid Purſuer, in the ſaid Matter: *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the filling up of the ſaid deceaſt —— *Murray* his name in the ſaid Diſpoſition, was but a meer Truſt in his Perſon, for the uſe and behove of the ſaid Purſuer and his foreſaids, and that upon the clear, pregnant, and undenyable Grounds, Adminicles, Evidences, and Qualifications above ſpecified, (*all here again holden as for expreſt and repeated* brevitatis cauſa,) And that by all which Evidences, Adminicles, and Qualifications, there is nothing more clear and apparent,

than

than that the Diſpoſition was a meer Truſt in the ſaid Defunct his Perſon, for the uſe and behove of the Purſuer and his foreſaids, in manner above-expreſt. And the ſame being ſo found and declared, the ſaid Defenders, upon the Paſſive Titles above-mentioned, or one or other of them, to hear and ſee himſelf Decerned and Ordained by Decreet foreſaid, to eſtabliſh the Right of the ſaids Lands of —— and others foreſaids, in his Perſon: And being ſo eſtabliſhed, to Denude himſelf thereof, (*here take in from this* (12) *Figure above the Will, till ye come to as is alledged, and then ſay*) Or elſe to alledge, *&c.* With Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion, will proceed in the ſaid Matter, and Find, Decern, and Declare in manner foreſaid. *Take in a ſecond Dyet*: According to Juſtice, as ye will Anſwer, *&c.*

Nota, *This Summonds needs no Bill; And that albeit, in the Calling of the Proceſs by the Courſe of the Roll, the Defender renounced to be Heir to his Father: Yet the Purſuer took this Summonds to his Probation as to the Truſt, and when the Cauſe was Adviſed* in preſentia, *the Lords found the Truſt ſufficiently proven, and therefore Decerned* cognitionis cauſa, *whereupon Adjudication followed in Courſe, but a Back-Bond would have prevented much of this trouble occaſioned by an Implicit Faith, and an Inexuberant Truſt by a Maſter to a Servant.*

SUMMONDS of Damnage and Intereſt.

CHARLES, *&c.* To Our Sheriffs in that part, and Meſſengers *reſpective*, *&c.* ſhown to us by *A. B.* of —— That where

Nota, *I find no neceſſity to ſet down here a Form or Stile of this Summonds, becauſe als many ſubject matters, a neceſſity for als many Forms, only make a clear Narrative or Propoſition as to the Tranſaction or point of Fact; and then from thence in Law make a genuine Subſumption and native Concluſion, and muſt be on* 21 *days, with a ſecond Dyet, but needs no Bill.*

SUMMONDS for Removing March-ſtones againſt the Neighbouring Heretors Raiſers thereof.

CHARLES, *&c.* To Our Sheriffs in that Part, and Meſſengers *reſpective*, *&c.* ſhown to us by *A. B.* of —— That where the ſaid Purſuer ſtands heretablie Infeft and Seaſed in all and hail the Lands of —— lying within the Parochin of——,and Sheriffdom of —— bounded in manner following,*viz.* (*here take in the Bounding*) as the Infeftment and Seaſin granted to him thereupon, duly regiſtrat conform to the Act of Parliament,in themſelves more fully proport; Likeas,not only the ſaid Purſuers Predeceſſors during their Lifetime,and by vertue of their Rights and Infeftments by themſelves, and their Tennents poſſeſt the ſaids Lands, and within the haill Bounding above-ſpecified, and uſed all Acts of Property, and particularly by debarring all others therefrom, paſt all Memory of Man) But alſo the Purſuer himſelf, ever ſince *C. B.* of —— his Fa-

ther his deceaſe (who deceaſt in the Month of —— 16 —— years, now by the ſpace of —— years) by himſelf and his Tennents peaceably enjoyed and poſſeſt theſame Lands, and within the ſaid Bounding, as his indoubted and incontrovertable Property, until of late, that *G. D. H. M.* and *W. D.* his next adjacent Neighbours by themſelves, and —— their Tennents, not only at their own hand, and but any Order of Law, pulled down and demoliſhed ſome of his old Dyks, which were a part of the antient Marches to the *Eaſt* and *South*, but likeways removed ——March-ſtones which cleared other parts of the bounding, and Marches of the ſaids Lands to the *Weſt*, and placed the ſame far within his own and Predeceſſors old and antient Bounding, and pulled up three March-ſtones which cleared the Marches betwixt him and them to the *Eaſt*, and buried and ſunk the ſame in ſome place where they cannot be found, or carried the ſame away all in the Night, and whilſt the Purſuer was from Home, thereby to diſpoſſeſs the Purſuer, and to render his own and Poſterities Marches uncertain, and by proceſs of time, to inhance the Purſuers Property in leſs or more to themſelves, either in Property or Commonty; And in effect have thereby, and by the deſtruction of Beſtial, and otherways already damnified and prejudged the Purſuer in the Sum of —— *ſcots* Money, (conform to a particular Accompt thereof a-part, here holden as for expreſt *brevitatis cauſa*) and that againſt all Law, Equity and Reaſon; And albeit it be of Verity, that the ſaids Defenders have done wrong by their illegal Acts and Incroachments aforeſaid, and that the ſaid Purſuer has oft and divers times deſired and required, the ſaids Defenders, to Repair and Re-build (6) the ſaids ancient Dykes, ſo unjuſtly caſt down and demoliſhed by them, and that in and upon the ancient Lairoch and found, and in als good caſe and condition, and of the ſame Hight, Breadth and Length they were formerly of, and ſicklike, to ſet all the March-ſtones, to the Number of —— in the ſame individual Places where they were of before, and to make payment to the ſaid Purſuer of the ſaid Sum of —— Money foreſaid of Damnage, and Prejudice already ſuſtained by him in manner foreſaid, and to deſiſt and ceaſe from doing the ſame, or like Acts of Violence and Incroachments in time-coming: *Nevertheleſs, &c.* Wherefore neceſſar it is for the ſaid Purſuer, to have thir our Summonds direct at his Inſtance againſt them, in manner, and to the effect after-ſpecified, conform to the ſaid Purſuer and his Predeceſſors, their ſaids Rights and Infeftments, immemorial Poſſeſſion, by vertue thereof, Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, in all Points, as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn and Charge the ſaids —— Heretors of the next adjacent Lands to the ſaids Purſuers, and the ſaids —— their Tennents, perſonally, *&c.* on twenty one days Warning, and all others *&c.* by open Proclamation, *&c.* To compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid matter. *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven to be of verity, and the ſame being ſua verified and proven, the ſaids Defenders to hear and ſee it, found and declared by Decreet of the ſaids Lords, that they have done wrong, in pulling down and demoliſhing the ſaids ancient Dykes, and raiſing and removing of the ſaid March-ſtones, and placing ſome of them within the ancient March, and Sinking and Burying others of them where they cannot be found, and thereby damnifying and prejudging the ſaid Purſuer, in manner foreſaid; And the ſame being ſua found and declared, the ſaids Defenders to hear and ſee themſelves Decerned and Ordained by Decreet of our ſaids Lords, to Re-build and Repair, (*take in the Subſumption from this* (6) *Figure, till ye come to the word* Nevertheleſs, *and then ſay*) conform to the ſaid Purſuer and his Predeceſſors their ſaid Rights and Infeftments, immemorial Poſſeſſion by vertue thereof

of, Laws and daily Practique of this our Realm, uſed and obſerved in the like caſes, in all Points, or elſe, *&c.* With Certification, *&c.* the Lords will proceed, and Find, Decern and Declare in manner foreſaid (*inſert a ſecond Dyet*) According to Juſtice, *&c.*

No Bill.

Nota, *There be Summonds of Reduction, Improbation, and Declarator, at the Kings Advocat his Inſtance, and ſometime of the Theſaurers, for his Majeſties Intereſt againſt Subjects, both as to Property, Forreſtries, Caſtles, and the like, and at his and the Lord Theſaurer, and Theſaurer-Depuis inſtance, ob non ſolutam Cannonem: And there be alſo Summonds of Reduction of Decreets of Parliament, and ſince the firſt are written by the Kings Writer, and the laſt (albeit by any Writer) yet being to be purſued before a Parliament, and to be founded on Grounds in Law (either againſt the Sentence or Nullities therein, as to the Procedor or Probation, or new and pregnant Grounds which muſt be conſulted by Lawers) I do not meddle with them.*

SUMMONDS of Bonorum at the Inſtance of a Debitor againſt his Creditors.

CHARLES, *&c.* Mean't and ſhown to Us by *H.M.* Merchant in ---- that where the ſaid Purſuer is daily and continually charged and purſued at the Inſtance of the Perſons after-named, his Creditors, for not payment making to them of the Sums of Money after-ſpecified, addebted and reſting, owing by him to them in manner-after-mentioned, ilk ane of them for their own Parts, as is after-divided. *viz.* ------- Likeas the ſaid Purſuer is not only Incarcerat within the Tolbooth of ---- at the Inſtance of the ſaid ---- one of the ſaids Creditors for his ſaid Debt, but alſo is arreſted therein by Captions, and Acts of Wardings, at the Inſtance of ſeveral others of the ſaids Creditors, and in which Tolbooth he has remained Priſoner ſince the ---day of ----laſt bypaſt, now by the ſpace of ----, and that in great want and Neceſſity; And albeit it be of verity, that the ſaid Purſuer lived ſoberly and virtuouſly thir many years bygone, and that his preſent Poverty and ſad Condition in a world, was not occaſioned by any Debauchry, or riotous Acts of his, but by his great loſs by Sea, and by bad Debitors by Land, and that his Incarceration may well (and without doubt) not only render him and poor Family miſerable, and his Life uncomfortable, but put themſelves beyond all hopes and Expectation of ever being payed of their Debts, in leſs or more; Whereas, were he at liberty (by the Bleſſing of God and lawful endeavours) he may live in ſome meaſure, and be in Capacity to pay them leſs or more, and by Degrees, if not in proceſs of time, to pay them wholly, and in the interim is content to make over to them a Right and Diſpoſition, *Omnium Bonorum* (which is all that is in his power) and yet they wrongouſly refuſe, poſtpone and defer to conſent to his Liberation, and accept of the ſaid Diſpoſition, without they be compelled. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the ſaids ---- Creditors (to the Purſuer) perſonally, or at their dwelling-places, on ſix days warning, to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid Matter: *That is to ſay*, the ſaids Defenders to hear and ſee themſelves decerned, and Ordained by Decreet of the ſaids Lords, to accept from him of a Diſpoſition *Omnium Bonorum*, and the Purſuer upon granting thereof, Ordained to have Suſpenſion containing Relaxation and Charge, to put at Liberty furth of the ſaid *Tolbooth* of ---- where-

in he remains incarcerat and Arreſted in manner foreſaid, and the Defenders and all Provoſts, Baillies, Sheriffs, and other Judges Ordinar within the Kingdom, and their Deputs, and als Meſſengers at Arms ordained to deſiſt and ceaſe, and diſcharged from all further Charging, Apprehending, Incarcerating, Arreſting, or otherways Troubling and Moleſting of his Perſon, for and upon the Accompt of the ſaids Debts, in time-coming, conform to the Laws and daily Practique of this Kingdom, uſed and obſerved in the like caſes, in all points, according to Juſtice, to be called ſummarly on the ſaid ſimple, and one Dyet of ſix days warning, but any further Dyet, Table, Roll, or Continuation of other Summonds, becauſe, being a poor Man's Cauſe, is priviledged of its own Nature, and ſo merits Summar Proceſs, conform to our ſaids Lords their daily Practique, and Order uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will Anſwer.

Ex Deliberatione Dominorum Concilii.

Nota, *This Summonds muſt have a Bill, becauſe it is Priviledged (and when Creditors lived within the City of* Edinburgh *and Suburbs) I have ſeen it on twenty four hours) and the date of the Bill muſt be the date of the Letters.*

SUMMONDS of Reduction at the inſtance of a Biſhop or other Churchman.

CHARLES, &c. to Our Sheriffs, *&c.* Greeting. *Our Will is*, and We Charge you, that ye peremptorly Summond, Warn and Charge (*leave blank for ten Lines*) to whom, and in whoſe favours, or their Predeceſſors and Authors, the pretended Contracts, Diſpoſitions, Charters, Procuratories, and Inſtruments of Reſignation, and other Rights of Feu after-ſpecified, of the Lands and others after-mentioned, are alledged made and granted by *A. B.* Biſhop of——, or by *C. D.* thereafter Biſhop thereof, or by *G. D.* Biſhop of that See, or by one or other of them, or others their Predeceſſors Biſhops of the ſame, (*Blank for ſuch perſons as in Law muſt neceſſarly be conveened, beſides the real Defenders*) perſonally, or at their dwelling-places, on 21 days Warning, and the Tutors and Curators of ſua many of them as are Minors, if they any have, for their Intereſts, and all others having or pretending to have Intereſt in the matter under-written, by open Proclamation at the Mercat-Croſs of —— and other places needful, to compear, *&c.* (*follow the former Stile till ye come to*) to anſwer at the inſtance of *J.* by the mercy of God, preſent Biſhop of——, and who is duely and lawfully preſented, admitted, and provided to the Biſhoprick thereof, haill Lands, Rents, Annualrents, Feu-duties, Teind-Duties, Tack Duties, Teinds, Paſonage and Vicarage, Manſes, Yards, Orchyards, and other Profits, Caſualities and Emoluments pertaining and belonging thereto of the Cropt 16--- years, and thereafter in time-coming, during all the days of his Lifetime, conform to the Gift and Patent granted to him by Us, under Our Great Seal, of the date the —— years, and to whoſe great hurt and prejudice, the foreſaids pretended Contracts, Diſpoſitions, Charters, Procuratories and Inſtruments of Reſignation, and other Rights of Feu, above and after-ſpecified, are alledged made and granted by his ſaids Predeceſſors in the ſaids See, in manner after-mentioned; and thereby having ſufficient, good and undoubted right and intereſt, to call for exhibition and production thereof, and to proſecute, follow-furth and purſue the Action of Reduction under-written, in manner after-expreſt, *that is to ſay*, the ſaids Defenders to bring with them, exhibite

exhibite and produce before the ſaids Lords of Council and Seſſion, the ſaid day and place, in the hour of cauſe, with continuation of days, (*leave Blank for the Writs, and then ſay*) of the dates, tenors and contents above-ſpecified, or of whatſoever other dates, tenors or contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame reduced, retreated, reſcinded, caſſed, annulled, decerned and declared by Decreet of the ſaids Lords, to have been from the beginning, to be now and in all time-coming null, and of none avail, force, ſtrength nor effect, with all that has followed or may follow thereupon, for the reaſons and cauſes following, in the firſt, (*here inſert the reaſons, and then ſay*) and therefore the foreſaids pretended Contracts, Diſpoſitions, Charters, Procuratories and Inſtruments of Reſignation, and other Rights of Feu above-ſpecified, of the dates, tenors and contents above-mentioned, and called for to be produced and reduced as ſaid is, ought and ſhould be reduced, retreated, rescinded; *conclude this Summonds according to the former Reductions* uſque ad finem, *&c.*

All the former Reductions are continued.

There be ſome Caſes wherein I think Reductions needs no continuation, and that is when the Reaſon is verified ſcripto, *and the Production ſatisfied by the Purſuer himſelf, as in Reductions* ex capite Inhibitionis, *where the Inhibition is produced with the Grounds, as alſo the Right craved to be reduced being Regiſtrat, there is an Extract had by the Purſuer: There is alſo Reductions where the Production is ſatisfied, and the Reaſons founded upon intrinſick Nullities, and Reductions for not payment of the Feu-duty, either on the Act of Parliament or Clauſe irritant in the Feu-Right, which nothing can purge but Payment, offer thereof under form of Inſtrument, or Arreſtment before Irritancy or Compenſation, and yet* tempus Belli, *inteſtine Commotions, Depredations,* Sterilitas agri, (*if the Feu-duty be great,*) *and the like, will weigh much with the Lords, in point of Compaſſion, and oblige them to extend their* nobile officum *as to time, if not eaſe.*

SUMMONDS of Declarator of Redemption.

CHARIES, *&c.* To Our Sheriffs, *&c.* Greeting. *Our Will is*, and we charge you, that ye peremptorly Summond, Warn, and Charge *J. M.* of —— Maker and Granter of the Reverſion after-ſpecified, and as pretended Poſſeſſor of the Lands and others after-mentioned, Perſonally, or at his Dwelling-place, on twenty one days Warning, and all others, *&c.* To compear, *&c.* To anſwer at the Inſtance of *G. D.* of —— the other Party, Contracter in the Contract of Wodſet underwritten, and in whoſe favours the ſaid Reverſion is thereby introduced and conceived, and he fully in power to redeem the Lands and others after-expreſt, in manner, and upon Payment or Conſignation of the Sums of Money therein-contained, as is particularly therein and hereafter Declared, and at whoſe Inſtance, the Order of Redemption after ſpecified, of the ſaids Lands and others foreſaids, was Lawfully and Orderly Uſed, Proſecute, and Conſummat in manner after Rehearſed, and thereby the ſaid Purſuer having ſufficient, good, and undoubted Right and Intereſt to proſecute, follow furth, and purſue the ſaid Action of Declarator of the ſaid Order after-ſpecified, in manner after-mentioned: *That is to ſay*, the ſaid Defender, for the wrongous Refuſing, Poſtponing, and Deferring, freely to renunce, Reſign, Quite-Claim, Diſcharge, Up-give, Over-

give, and deliver from him, his Heirs and Aſſigneys, to, and in favours of the ſaid Purſuer, his Heirs and Aſſigneys, all and haill the Lands of —— lying within the Parochin of —— and Sheriffdom of —— together with all Right, Title, Intereſt, Claim of Right, Property, and Poſſeſſion, as well Petitor as Poſſeſſor whatſoever, which he or his foreſaids have, or may any ways claim or pretend thereto, or to any Part or Portion thereof, in time coming, together alſo with all Contracts, Diſpoſitions, Charters, Seaſins, Infeftments, Procuratories. and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſin, and all other Writs, Evidences, Rights and Securities, made and granted by the ſaid Purſuer to the ſaid Defender thereupon, of whatſoever Dates, Tenors, or Contents the ſame be of, and to give up and deliver the ſame to him, as being really ſatisfied, obſerved, kept, and fulfilled in manner under written, to be Cutted, Cancelled, and Deſtroyed for ever, which Towns, Lands, and others above-ſpecified, with the Pertinents, pertained Heretably and Irredeemably to the ſaid Purſuer, and were Wodſet and Impignorat by him to the ſaid Defender, and his foreſaids, under Reverſion always by the ſaid Purſuer and his foreſaids, from them by payment, (*here follow the Tenor of the Reverſion as to the Sum, Term, Time, Place, and Manner of Redemption, and Days of Premonition, and then ſay*) Conform to the Contract of Wodſet paſt betwixt them thereanent, of the date the —— day of ——— Charter and Seaſin following thereupon, and other Rights made by the ſaid Purſuer to him, relating thereto, the ſaid Contract and Reverſion therein-contained, being really and truly obſerved, kept, and fulfilled by the ſaid Purſuer, conform to the Tenor thereof in all Points, in ſo far as the ſaid Purſuer, by *J. D.* his Procurator lawfully Conſtitute, to the Effect after-ſpecified, conform to a ſpecial Letter of Procuratory granted to him, of the date the —— day of —— paſſ upon the ---- day of ---- to the perſonal preſence of the ſaid Defender, and lawfully premoniſhed and required him to have compeared within the ſaid Kirk of ----, and at that place of the ſame, where the ſaid Umquhile *J. E.* of *M.* his Tomb is ſituat, upon the ---- day of ---- then next to come, being *Whitſunday*-Even: And there, (betwixt the Sun-Riſing and Down-Paſſing thereof,) to have received from the ſaid Purſuer, or his Lawful Procurator in his name, the ſaid Sum of ---- (for which the Lands and others foreſaids, were Wodſet and Impignorat; and likewiſe, by the ſaid Reverſion, declared upon Payment thereof, Redeemable as ſaid is,) And that for the lawful Redemption, Louſing, and Out-Quiting from him and his foreſaids, of the ſame, and to have heard and ſeen the foreſaids Reverſion duly obſerved, kept, and fulfilled by the ſaid Purſuer, and his ſaid Procurator in his name, conform to the Tenor thereof in all Points; and thereupon, the ſaid Defender, to have renunced the ſaids Lands and others above Wodſet, with the Pertinents, together with the Wodſet Rights and Infeftments of the ſame above-ſpecified, made and granted by the ſaid Purſuer to him thereupon, in manner above-expreſt, and to have granted the ſame, lawfully redeemed, looſed, and out-quate, by payment of the foreſaid Sums, and to have given up and delivered to the Purſuer, the haill Contracts, Infeftments, and other Rights of the ſaids Wodſet, to be Cancelled and Deſtroyed with Warrandice, in manner ſpecified in the ſaid Contract, conform to the Tenor thereof alſo in all points: Likeas, conform to the ſaid Premonition ſo made, compeared within the ſaid —— Kirk, and at the ſaid place thereof, where the ſaid Tomb is ſituat, the ſaid *J. D.* as Procurator lawfully conſtitute by the ſaid Purſuer, to the Effect after-ſpecified, conform to the Letter of Procuratory granted to him thereanent, upon the ſaid —— day of —— being *Whitſunday*-Even, and there produced and exhibit openly the ſaid Contract of Wodſet, containing the foreſaid Reverſion paſt betwixt the ſaid Purſuer and the ſaid Defender, anent the Hypothecation of the ſaids Lands and others foreſaid, in manner, and of the date above-expreſt,

expreſt, with the Letter of Procuratory granted by the ſaid Purſuer to the ſaid *J. D.* for making the ſaid Premonition, and uſing the ſaid Order of Redemption, and Inſtruments of Premonition taken thereupon, in the hands of ---- Nottar publick, dated the ſaid —— day of —— together alſo with the other Letter of Procuratorie above-mentioned, granted to him by the ſaid Purſuer, for his compearing the ſaid *Whitſunday*-Even within the ſaid Kirk, to the Effect after-ſpecified, and cauſed the ſaid Contract, Reverſion, Procuratories and Inſtrument be publickly read; and thereafter, the ſaid day within the ſaid Kirk, and at the place thereof above-deſigned, cauſed produce, number, and down-tell the ſaid Sum of —-- (for which the ſaids Lands were Wodſet, and thereupon alſo, declared by the ſaid Reverſion redeemable,) and after Production and Numeration thereof declared, that according to the power granted him, he was then moſt willing and ready to offer, *& de facto* did then really offer the ſaid Sum of —— (being all that was contained in the ſaid Reverſion, and thereby due,) to the ſaid Defender, or any others in his name, (ſufficiently by him authorized and impowered,) that would compear and accept thereof, and thereupon, and in ample Form, renunce the ſaid Wodſet-Lands and Rights, and grant the ſame lawfully redeemed, and deliver up the ſaid Contract and Inſeſtment, conform to the ſaid Reverſion in all points. But nevertheleſs, and notwithſtanding thereof, the ſaid Defender, nor none in his name ſo impowered, compeared for that Effect: And therefore, the ſaid *J. D.* Procurator foreſaid, (after he had attended and remained within the ſaid Kirk, till the Down-paſſing of the Sun, and finding none compear to receive the ſaids Sums, and grant the ſaids Lands redeemed, as ſaid is,) paſt to the perſonal preſence of —— preſent Theſaurer of *Edinburgh*, and after he had reſumed the whole matter above-written to him, offered to conſign in his hands the ſaid Sum of —— to be furth-coming to the uſe, utility, and behove of the ſaid Defender, his Heirs and Aſſigneys, conform to the ſaid Reverſion, and upon the peril of the Conſigner, which he abſolutely refuſed to accept of, whereupon the ſaid Procurator incontinent thereafter, paſt to the Dwelling-houſe of —— preſent Dean of Gild of *Edinburgh*, and diligently ſearched and enquired for him, to have conſigned the ſaid Sum in his hands, to be furth-coming in manner foreſaid, and upon the Conſigners peril, but he could not be found to that effect, his Servants faithfully declaring he was not within, and that they knew not where he was, or might be had; wherefore, the ſaid Procurator paſt to the perſonal preſence of —— and conſigned the ſame in his hands, as in the hands of a ſufficient and reſponſal Gentleman, who received the ſame from the ſaid Procurator, to be furth-coming in manner, and to the perſon, and upon the peril above-ſpecified: And in reſpect thereof, the ſaid Procurator, upon the whole premiſſes, took Inſtruments, and proteſted that the ſaids Lands and others above Wodſet, with the Pertinents, might be holden as lawfully redeemed, looſed, and out-quate by the ſaid Purſuer from the ſaid Defender and his foreſaids, in all time coming, and that the foreſaid Reverſion, and haill Contents thereof, were really and truly obſerved, kept, and fulfilled conform to the Tenor thereof in all points, as the ſaid Contract of Wodſet, Reverſion, Procuratories, Inſtruments of Premonition and Redemption, under the hand of —— Nottar publick, in themſelves more fully is expreſt, *To hear and ſee it*, found and declared, that the Defenders have done wrong: And therefore, the ſaid Defenders to hear and ſee it alſo found and declared, by Decreet of our ſaids Lords of Council and Seſſion, that the foreſaid Lands and others above Wodſet, with the Pertinents, are lawfully redeemed, looſed, and out-quat from him and his foreſaids, by the ſaid Purſuer, in manner, at the time, and by the real Offer and Conſignation of the foreſaid Sum, as is above-expreſt, and that the foreſaid Reverſion is really and truly obſerved, kept, ſatisfied, and fulfilled by the ſaid Purſuer to the ſaid De-

fender, conform to the Tenor thereof in all points. And the ſame being ſo found and declared, the ſaid Defender to hear and ſee himſelf decerned by Decreet foreſaid, to grant and acknowledge the ſaids Lands and others above Wodſet, with the Pertinents, to be lawfully redeemed, looſed, and out-quat from him and his foreſaids, by the ſaid Purſuer, in manner, and at the time above-ſpecified; and for that effect, to renunce, quite Claim, reſign, diſcharge, up-give, over-give, and deliver the ſame, with all Right, Title, Intereſt, Kindneſs, good Will, and others whatſoever he has, or can pretend thereto, together with all Contracts of Wodſet, Charters, Seaſins, Infeftments, Procuratories, and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſin, and other Writs, Evidents, Rights, and Securities, made and granted to him by the ſaid Purſuer, off, upon, or concerning the ſame, and to give up and deliver the ſaids Writs and Evidents to the ſaid Purſuer, to be Cut, Cancelled, and Deſtroyed for ever; ſo that it may, and ſhall be leiſum and lawful to the ſaid Purſuer and his foreſaids, and their Tennents, Servants, and others in his name, to enter to the peaceable Poſſeſſion, Bruiking, and Joyſing thereof, Setting, Raiſing, Occupying, Labouring, Mannuring, Uſing, and Diſponing thereupon, and that he has preſent, full, and free Regreſs, Ingreſs, and Acceſs thereto, ſicklike in the ſame manner, and als freely in all reſpects, as if the ſame had never been Wodſet or Hypothecat by the ſaid Purſuer to the ſaid Defender and his foreſaids, in manner above-written; or elſe, *&c.* to alledge, *&c.* With Certification, *&c.* According to Juſtice, *&c.*

No Bill.

Thir Declarators of Redemption are on twenty one Days, but being verified Inſtanter, *needs no Continuation.*

SUMMONDS of Declarator of the Priviledges of the Colledge of Juſtice, againſt the Good Town of Edinburgh.

CHARLES, &c. To, *&c.* Our Sheriffs, *&c.* mean't and ſhown to Us, by *S. R. S.* of *L.* Advocat, and preſent Dean of Faculty of our Colledge of Juſtice, and *S. J. G.* of —— one of our Clerks of Seſſion, and *A. L.* Writer to our Signet for themſelves, and in Name and behalf of the whole Advocats, Clerks of Seſſion, Writers to our Signet, and remanent Members of our ſaid Colledge of Juſtice; That where the Purſuers being Members of the ſaid Colledge of Juſtice, and priviledged from all Acts and Juriſdiction of our Burgh *Edinburgh*, and all Execution thereupon, which is only proper to be exerciſed over their own Burgeſſes, and ought no ways to be extended to the ſaids Purſuers, who in their Stations are only anſwerable to our Lords of Seſſion, in caſe of any Miſdemanners, or Ground or Cauſe for Civil Suits, and whoſe Eſtates and Fortunes cannot be burdened and affected (far leſs their perſons ſeazed upon and Impriſoned) by any Act, verbal Warrand, Decreet or Authority of the Magiſtrats and Town-Council of our ſaid Burgh of *Edinburgh*, and yet notwithſtanding the ſaid Town-Council and Magiſtrats thereof have taken upon them of late, to exerciſe Power and Juriſdiction over and againſt the Purſuers, without reſpect to the Priviledges and Immunities granted to, and introduced in favours of our ſaid Colledge of Juſtice, and Members thereof, and that moſt unjuſtly in the particulars following, *viz.* (*here inſert the particulars*) and albeit it be of verity, that the ſaid Purſuers have oft and divers times deſired and required the ſaids Magiſtrats to deſiſt and ceaſe from all further exercing of any Power or Juriſdiction over them, their Fortunes and

and Eſtates, as priviledged perſons, and Members of our Colledge of Juſtice, and who conſequently are only in Subordination to, and under the Power and Juriſdiction of our ſaids Lords of Council and Seſſion; *Neverthelefs*, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled: And therefore it ought and ſhould be found and Declared by Decreet of our ſaids Lords of Council and Seſſion, that the Magiſtrats and Town-Council of our ſaid Burgh of *Edinburgh*, have done manifeſt Wrong and Injuſtice, by proceeding againſt the ſaids Purſuers, and exercing Power and Juriſdiction over them, in manner, and in the particulars above-ſpecified, and the ſame being ſua found and declared, they and their Succeſſors in place and Office, ought and ſhould be decerned to deciſt and abſtain from doing the like, or exercing any Power or Juriſdiction over them, or their Succeſſors in their Stations, in their Perſons, Fortunes or Eſtates in time-coming, and the ſaids Purſuers and their Succeſſors in their Stations, as ſaid is, (as being Members of our ſaid Colledge of Juſtice) ought and ſhould be declared free thereof, and not tyed or obliged to give Obedience to any of their Decreets, Acts or Ordinances in times-coming, conform to the indoubted and incontrovertable Priviledges of our ſaid Colledge of Juſtice, and haill Members thereof, in all points as is alledged. *Our will is*, and we Charge you, that ye lawfully Summond, Warn and Charge the Provoſt and Baillies of our ſaid Burgh of *Edinburgh*, preſent or to come, for themſelves, and as repreſenting the haill Body and Community thereof in manner following, *viz.* Sua many of them as are within this Realm the time of the Citation, perſonally, or at their dwelling-places on twenty one days warning, and ſua many of them as beis then furth thereof, by open Proclamation, at the Mercat-Croſs of *Edinburgh*, Peir and Shore of *Leith*, on threeſcore days warning, and als them and all others having or pretending to have Intereſt in the matter, by open Proclamation at the Mercat-Croſs of *Edinburgh*, and other places needful, to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuers for themſelves, and in Name and behalf of the haill remanent Advocats, Clerks, Writers to our Signet, and remanent Members of our Colledge of Juſtice in the ſaid matter: *That is to ſay*, the Defenders to hear and ſee it found and declared by Decreet of our ſaids Lords, that they and the Town-Council of *Edinburgh*, have done manifeſt Wrong and Injuſtice, by proceeding againſt the ſaid Purſuers, and exercing Power and Juriſdiction over them in manner, and in the particulars above-ſpecified; And the ſame being ſua found and declared, to hear and ſee themſelves, and their Succeſſors in Place and Office Decerned and Ordained, to deſiſt and abſtain from doing of the like, or exercing any Power or Juriſdiction over them in their Perſons, Fortunes, or Eſtates in time-coming, and the ſaids Purſuers and their Succeſſors in their Stations, as Members of our Colledge of Juſtice, be declared free thereof, and not tyed or obliged to give Obedience to any of their Acts, Decreets, or Ordinances for the future, conform to the indoubted and incontrovertable Priviledge of our ſaid Colledge of Juſtice, and haill Members thereof, in all points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to them if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Find, Decern and Declare in manner foreſaid, according to Juſtice, and for the Coſts and Skaiths, *&c.* to be called on the reſpective Dyets, but any further Dyet, Table, Roll or Continuation of other Summonds, becauſe the foreſaid Action is acceſſory to our Acts of Parliament, Councils and Sederunts, conſtant Practique and Cuſtoms of this our Realm, follows and depends thereupon, and is a part of the Execution thereof, and ſua merits ſummar proceſs, conform to our ſaids Lords their daily

Practique, and Order uſed and obſerved in the like caſes, and their Delive-rance granted thereanent, as ye will anſwer, *&c.*

Ex deliberatione Dominorum Concilii.

There was a Suſpenſion raiſed againſt the Town in the matter aforeſaid, and the ſame and Declarator diſcuſſed in favours of the whole Members of the College of Juſtice.

SUMMONDS of Declarator of the Priviledges of the Bowers, Sklaters, and other Trades in Maries *Chapel, againſt the Wrights and Maſons of* Edinburgh, *who are in one Society and Incorporation, albeit of divers Arts.*

CHARLES, *&c.* To, *&c.* Our Sheriffs, *&c.* by *A. H.* Bower Burgeſs of *Edinburgh*, *J. T.* Painter, *A. C.* Sklater, *W. T.* Glaſier, —— Couper —— Plumbers, —— Seive-wright, and —— Uphulſterer, Burgeſſes of our ſaid Burgh; That where thir divers years bygone, paſt all memorie of Man, it has been the laudable Cuſtome and Practique in this our City of *Edinburgh* (towards the better Ruling and Gubernation of the Affairs of the ſame, and before the Election and Creation of the Provoſt, Baillies, Dean of Gild, Theſaurer, and Council of the ſame, upon the —— day of —— being —— days before each *Michaelmas*) for the fourteen Deacons within the ſaid Burgh, *viz.* Deacons of the Chyrurgions, Gold-ſmiths, Skinners, Spurriers, Hammermen, Wrights, Maſons, Tailziors, Baxters, Fleſhers, Cordiners, Webſters, Walkers and Bonnet-makers; And of which Maſons and Wrights, and their Incorporation, Fraternity and Deaconſhip, Bowers, Coupers, Glaſiers, Sklaters, Painters, Uphulſterers, Plumbers and Seive-Wrights, have been and are ſtill holden and repute as real Members, to all intents and purpoſes) to give in to the Council of *Edinburgh* a Liſt of ſix perſons of each Society, of all the ſaids Deaconſhips, to the effect the Magiſtrats and Council of our ſaid Burgh, may either Nominat and Appoint three of the ſaid ſix, or otherways three of their Own chooſing out of the haill Incorporation, to be ſet down in a new Liſt to be given in by the ſaids Magiſtrats and Council to the ſaid reſpective Deaconſhips, and out of either of which two Threes, the Deacons of the reſpective Trades for the enſuing year, were only choſen by the reſpective Incorporations, and the Deacons ſo choſen by them being preſented to the Council, were accordingly authorized by them; Likeas, in order to the ſaid venerable and laudable Cuſtom, there being divers Debates and Controverſies betwixt the Merchants and Trades of our ſaid Burgh. anent the Matter and Manner of Election of Magiſtrats, Deacons, and other Members within the ſaid City. and Gubernation of the Affairs thereof, the ſame was ſubmitted and Comprimitted to certain Gentlemen, as Arbitrators, and to His Sacred Majeſty Our Grand-father King *James* the ſixth, of ever bleſſed Memory, as Odsman and Overſ-man, mutually choſen by both Parties, and who by their Decreet Arbitral given and pronunced by them in the ſaid matter, upon the twenty two day of *April* 1583 years (amongſt divers other Circumſtances and Determinations thercin) Decerned and Ordained, that the fourteen Deacons of Craft ſhould be firſt Choſen, and that the old Deacons ſhould ſtand and continue until the third Council day, before the old Time of Election of the new Council, which was on *Wedneſday* preceeding the Feaſt of *Michaelmaſs*; And upon the whilk third Council Day, the Provoſt, Baillies, and Council then ſtanding, and from

from thence-furth their Succeſſors in place and Office, ſhould call in before them the ſaids Deacons of Crafts, & require their Opinion & Judgment of the beſt and worthieſt of their Crafts, and Nominat and Leit three perſons, of the moſt diſcreet, godly and qualified of every one of the ſaids fourteen Crafts, moſt expert Handy-Labourers of their own Crafts, Burgeſſes and Free-men of the Burgh, and deliver their Names to the Deacons, every one according to their Crafts, and whilks Deacons (on the morrow thereafter) are ordained to conveen and aſſemble their Crafts, and every Craft by themſelves, furth of the ſaids three Names, to elect a perſon who ſhall be their Deacon for that year, and upon the next Council day after the ſaid Election, the old Deacons, with ſome of the Maſters of their Craft, to preſent the new Deacons to the Council, who are ordained to Authorize them in their Office, in manner ſpecified in the ſaid Decreet Arbitral, conform whereunto and laudable Cuſtom formerly uſed and obſerved in our ſaid City, the Deacons and Incorporation of the ſaids Wrights and Maſons, having upon the —— day of —— inſtant met and conveened within their ordinar Meeting-place, and given in a Liſt to the Council of ſome of their Number, towards the Election of two new Deacons for the ſaid Incorporation of Maſons and Wrights the enſuing year, the Magiſtrats and Council were pleaſed according to their priviledge, laudable and ancient Cuſtom, to nominat none of the ſaid Liſt, but on the contrair, gave in a Liſt of their own nomination and chooſing, *viz.* the ſaid *A.H. G.H.* Wrights, and the ſaid *W.T.* Glaſier, for the Wrights, and *J.H.* and *J.C.* Maſons, and *A.C.* Sklaiter for the Maſons, all ſix Members of the ſaids Maſons and Wrights their Houſes and Incorporation, as perſons ſufficiently known to the Council, to be worthy, godly, and qualified, and out of which number the ſaid Incorporation ought to have choſen two Deacons for the enſuing year; but theſe denominat Wrights and Maſons (albeit only two Crafts of nine or ten more in that Incorporation) after the Houſe was chapterly conveened, the Matter moved, and Liſt preſented, (aſſuming to themſelves alone the priviledge of being Deacons, thereby to debar the remanent of their Fraternity and Incorporation, ſuch as Bowers, Cowpers, Sklaiers, Glaiſiers, Painters, Plumbers, Seive-Wrights, and others therein comprehended, by the old and ancient cuſtom, and the Seal of Cauſe) would not only on no ways proceed in the ſaid Election of Deacons out of the ſaid Liſt given in to them by the Council, and deſerted the ordinary Dyet of Election, but alſo openly, and moſt imperiouſly ſpoke and vented, that the ſaids Purſuers and their eight ſeveral Crafts albeit incorporat with them, yet were but Pendicles of them, and ſuch as had not, or could not have the priviledge, nor ſhould never be Deacons of theſe Incorporations, thereby to inhance all the Government of the Incorporation to themſelves, and being more numerous than the Purſuers to carry all by a high-hand, and plurality of Votes, and to diſpoſe on the Revenues belonging to the ſaid Incorporation without their Conſent (at leaſt by plurality of Votes) albeit the Purſuers and their Predeceſſors have been, and are as uſeful and inſtrumental (if not more) in making up the ſaids Revenues, as the ſaids Maſons and Wrights and yet ever leſs burdenſome to it than they, and in reſpect as would appear, the whole Scope and Drift of the ſaids Maſons and Wrights, is nothing elſe than by proceſs of time to make the ſaid Purſuers priviledge (albeit as full, free and ample, as of theſe denominat Maſons and Wrights being of and comprehended within one and the ſame Fraternity & Deaconſhip, but any Exception, Reſtriction or Qualification) become Uſeleſs, Extinct and Unprofitable, albeit the Truth is, as they are and have been of one Incorporation, and likeways qualified perſons, ſo they have been in uſe at ſeveral times of being Maſters, Quarter-Maſters, Box-Maſters, and ſometime in Liſt of Deaconſhip, as authentick Inſtruments taken thereupon in the Hands of —— Nottar publick, at more length proport; And

therefore it ought and should be found and declared by Decreet of our said Lords of Council and Session, that the Pursuers and their respective Crafts and Trades, are particular and special Members of the said House, Society, Fraternity, and Incorporation of the Masons and Wrights, and have been so holden, Decerned and Repute this diverse years bygone, past all memory of Man, and in the Seal of Cause so insert, provided and comprehended, and that they have been, and are in use and wont as Members, of Conveening, Sitting, and being chosen Masters, Quarter-masters, Box-masters, and in voting in all matters anent the said Incorporation, and Electing and Choising of Deacons, and that they (at least some of them) have also been Leited for Deacons, however not chosen, being carried by the plurality of Votes, in favours of these denominat Masons and Wrights, they being near twice the Pursuers Number; And likeways the Pursuers and their Predecessors have been, and are concerned in the Revenues of the said Incorporation, and contribute, give in, and advance to the making up thereof, as well, and as much, if not more than the saids Masons and Wrights, and therethrough are equally concerned in the Securing, Distributing and Mannagement thereof: And the same being sua found and declared, it ought and should be also found and declared by Decreet foresaid, that the saids Pursuers and their Successors in their Trades and Crafts, being Burgesses and Free-men of the said Burgh, are, and in all time coming shall be holden, Called and repute actual and real Members and Brethren of the said House, Fraternity and Incorporation of Masons and Wrights, with full power to Conveen, Sit, Vote and Elect as aforesaid, and likeways that they are in Capacity, and have sufficient good and indoubted Right, Power Liberty and Priviledge of Leiting, and being leited and chosen Box-masters and Deacons, as well Conveeners as ordinary, as they shall happen from time to time to be Nominat and Appointed, and to Brook, Exerce and Enjoy all other Stations, Freedoms and Priviledges belonging and incumbent to the saids Incorporations, sicklike in the same manner, and as freely in all respects as any Wright or Mason of or within the same, and in like manner for the better Government of the Affairs of the said House and Incorporation, and improving of the Revenues belonging thereto (only dedicat and mortified for decayed Brethren of the respective Crafts, and their Relicts and Children, and other pious Uses, it ought and should be found and declared by Decreet foresaid, that in all time-coming, it shall not be lawful to these of the said House and Incorporation (denominat Masons and Wrights) be plurality of Votes of these two Crafts, (being near twice the Pursuers Number, albeit eight Crafts) without the special Advice and Consent of the saids Pursuers and their Successors, at least of so many of each of their Crafts as it shall please the saids Lords to appoint) to Uplift, Discharge, Ware, Imploy, grant Bond, or other Security for any Sums of Mony, Duties of Land, or others belonging to the said Incorporation, or that may affect the same, by way of Debt, whereupon Appryfing, Adjudication, or other Legal Eviction may follow, or to dispose of their Heretage, and that if any Deeds be done without the Pursuers, and their Successors, their Consent as said is, the same to be null in all time thereafter, according to all Law, Equity and Conscience, as is alledged; *Our Will is Herefore*, and We charge you, that ye peremptorly Summond, Warn and Charge —— present Deacon of the saids Masons, —— present Box-master, and —— present Masters thereof —— present Deacon, and —— present Masters of the saids Wrights, and —— late Deacon, and —— late Masters of the said Massons, and —— late Deacon, and —— late Masters of the saids Wrights, and —— late Box-masters of the said Incorporation of Massons and Wrights, comprehending as said is, personally, or at their *Dwelling* places, on twenty one days Warning, and all others, *&c.* to compear *&c.* to answer at the Instance of the saids Pursuers:

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in the ſaid Matter, that is to ſay, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verified and proven, to be of verity; and the ſame being ſua verified and proven, the ſaids Defenders for themſelves, and their Succeſſors, to hear and ſee it found and declared by Decreet foreſaid, that the ſaids Purſuers and their Succeſſors in the ſaids Callings and Trades, in all time coming ſhal be called, holden and repute, Actual and Real Members of the ſaid Houſe, Incorporation, and Fraternity of Maſons, and Wrights; with power to Conveen, Sit, Vote, and Elect as aforeſaid, and that they are in Capacity, and have good Right, Liberty and Priviledge of Leiting, and being leited and choſen Deacons, as well Conveener as Ordinar, in manner above expreſt, and Bruick, Exerce, and Enjoy all other Freedoms, Stations and Priviledges, due and incumbent to the ſaid Incorporation, ſiklike in the ſame manner, and als freely in all reſpects, as any denominat Wrights or Maſons, of and within the ſame; And in like manner, that it ſhall not be lawful to thoſe of the ſaid Incorporation called *Wrights and Maſons*, without conſent of the ſaids Purſuers and their Succeſſors in their Crafts (at leaſt of ſuch a Number of each Craft as the ſaids Lords ſhall appoint) to Uplift, Diſcharge, Ware and Imploy any Sums of Money, Duties, or others belonging to the ſaid Incorporation, or diſpone on their Heretage, or contract Debt thereupon, whereby the ſame may be affected or evicted as ſaid is, and if any ſuch Deeds be done without their ſaid Conſent, the ſame to be null thereafter in all time-coming, or elſe to alledge, *&c.* With Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find, decern and declare in manner forefaid, according to Juſtice, and for the Coſts and Skaiths, *&c.* attour, that ye lawfully Summond, Warn and Charge —— To compear before our ſaids Lords of Council and Seſſion, the ſaid day and Place, in the Hour of Cauſe, with Continuation of days, to bear leil and ſuithfaſt witneſſing in the ſaid matter, in ſo far as they know or ſhall be ſpired at them thereuntil, under all higheſt Pain and Charge that after may follow, as ye will anſwer, *&c.* *Given under our Signet at* Edinburgh, *the* —— *day of* —— *and of our Reign the* —— *year*

This Summonds I *wrote my ſelf, and after a moſt litigious Debate, the firſt five Trades carried the Cauſe, and extracted their Decreet, and thereafter the Action being called, the other three Trades carried the Cauſe alſo, and found to be a part of the Society, and thereby a redoubted Right to all the Priviledges of the Houſe; particularly, that theſe eight Trades Purſuers were capable to Elect and be elected Deacons, &c. even as thoſe of Maſons and Wrights, who are diſcharged ever to call them Pendicles thereafter.*

Nota, *After the Summonds was execute, the eight Trades were adviſed, firſt to make offer (for the good of the poor decayed Brethren) that both Purſuers and Defenders ſhould be at the Charge of the Plea out of their own Caſh (without incroaching upon the mortified Stock or Revennes) which being refuſed to proteſt, and was accordingly done, but denyed by the Maſons and Wrights, whereupon the Purſuers petitioned the Lords for ſequeſtration of the Box, or expoſed to both, which the Lords would not grant (becauſe a Maſon or Wright was Box-maſter, and ſo a Diſpoſſeſſion, but declared by a Deliverance* in preſentia, *that* in eventu *they would make the Defenders if they loſed the Cauſe) perſonally lyable, and the Box free, and when the Defenders loſt the Cauſe, they of conſent payed the Purſuers Expenſes by a new Impoſition, not out of the Box.*

SUMMONDS of Declarator, of the Nullity of a Feu, upon the Clauſe irritant, contained in the Feu-Right.

CHARLES, *&c.* To Our Sheriffs, *&c.* By *G. D.* of —— Superior of the Lands and others after-ſpecified, with the Pertinents, That where, by Contract made and paſt betwixt the ſaid Purſuer, and *H. M.* of —— on the one and other parts, of the date the —— day of —— years, the ſaid Purſuer (for the Cauſes therein-ſpecified) Sold, Annalzied, Diſponed, and in Feu-Farm, Set to the ſaid *H. M.* his Heirs and Aſſigneys whatſoever, heretably, all and haill the Lands of ——, lying within the Parochin of —— and Sheriffdom of ——, and obliged him, his Heirs and Succeſſors, to Infeft and Seiſe the ſaid Defender and his foreſaids therein by Charter, containing Precept of Seaſin to be holden of the ſaid Purſuer, and his Heirs and Succeſſors, as their immediat lawful Superiors thereof, for payment of the Sum of —— yearly, at two Terms in the year, *Whitſunday*, and *Martinmaſs* in Winter, by equal Portions in Name of Feu-Farm, and doubling the ſaid Feu-Duty the firſt year of the Entry of each Heir thereto, and with this expreſs Proviſion and Condition always: Likeas, by the ſaid Contract, it is ſpecially Provided and Declared, that in caſe two Terms run in the third, and the ſaid Feu-duty unpayed, That then, and in that caſe, the foreſaid Feu, Contract, Charter, and Seaſin following thereupon, ſhould from thence forth become Void, Null, and of no Force, Strength, nor Effect, ſicklike in the ſame manner, and als freely in all Reſpects, as if the ſame were never Made, Granted, or Subſcribed; and that it ſhall be lawful to the ſaid Purſuer and his foreſaids, in the Caſe above-ſpecified, to enter to the Real, Actual, and Peaceable Poſſeſſion of the ſaids Lands and others above Diſponed, with the Pertinents, Setting, Raiſing, Uſing, and Diſponing thereof at their pleaſure; and that *brevi manu*, at their own hand, but any hazard of Intruſion, or peril of Ejection to be incurred by them there-through, and without any Neceſſity of Declarator of the ſaid Irritancy, Decreet of Removing, or other Sentence, to preceed in manner ſpecified in the ſaid Contract of Feu, as the ſame, of the date foreſaid, in it ſelf more fully is expreſt. *And true it is*, that the ſaid Defender is Addebted and Reſting, Owing to the ſaid Purſuer his Superior, the ſaid Feu-Duty of —— Yearly, the Years of GOD after-ſpecified, *viz.* of the Years 1636, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, *&c.* Where-through it is moſt clear, evident, and apparent, that not only two Terms are run in the third, but many Years over and above run together, and thereby, the foreſaid Irritancy is incurred, and the foreſaid Feu-Right become Void and Extinct in all time coming, and thereby the Property Eſtabliſhed and Conſolidat with the Superiority in the Purſuers perſon for ever, in manner under-written: And therefore, it ought and ſhould be found and declared (6) by Decreet of our Lords of Council and Seſſion, That there is not only two Terms run in the third, But alſo many years over and above run together, and the ſaid Feu-Duty not payed, by the ſpace above-ſpecified; and that there-through, the ſaid Defender has Contraveened the foreſaid Contract and Proviſion above-mentioned therein-contained, and incurred the foreſaid Irritancy. And the ſame being ſo found and declared, it ought and ſhould be likewiſe found and declared by Decreet foreſaid, That the ſaid Contract and Feu-Charter, with the Seaſin, and all that has followed thereupon, are become Extinct, Void, and Null, and of no Force, Strength, nor Effect, ſicklike in the ſame manner, and als freely in all Reſpects, as if the ſame had never been Made, Granted, or Subſcribed: And that it ſhall be lawful to the

ſaid

ſaid Purſuer and his foreſaids, inſtantly to enter to the Real, Actual, and Peaceable Poſſeſſion of the ſaids Lands and others above Diſponed and Feued, with the Pertinents, lying as ſaid is, and to Set, Raiſe, Uſe, and Diſpone thereupon, as their own proper Heretage, Heretably and Irredeemably, and Declared, Eſtabliſhed, and Conſolidat with the Superiority in their Perſon, for ever in all time coming, and that *brevi manu*, at their own hand, but hazard of Intruſion, or peril of Ejection, to be incurred by them there-through, and but any Neceſſity of Decreet of Removing, or other Sentence, to proceed after the Form and Tenor of the ſaid Contract, Proviſion therein-contained, Laws and dayly Practique of this our Realm, heretofore inviolably obſerved in the like Caſes in all points, (8) as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn, and Charge the ſaid *H. M.* Defender, Perſonally, or at his Dwelling-place, on 21 days Warning, and all others, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid matter. *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared, (*to conclude* ut ſupra, *from this* (6) *Figure till this* (8) *Figure before the Will, only for the Words*, it ought and ſhould, *in the Subſumption, ſay, in the Concluſion*, to hear and ſee,) Or elſe to alledge, *&c.* With Certification, *&c.* our ſaids Lords will Find, Decern, and Declare in manner foreſaid, according to Juſtice, as ye will anſwer, *&c.*

No Bill.

Needs no Continuation, being verified ſcripto *as to what proper for the Purſuer; and it being the Defenders to prove Payment.*

Some uſe to purſue this Action by way of Reduction, and that either upon the Act of Parliament, or the Clauſe Irritant contained in the Feu-Right, if not both; In which Caſe, the Clauſe Irritant is libelled by way of Reaſon of Reduction, as ye find in former Stiles. But I never inclined to that of the Declarator, as being more peremptor in its Nature, and more favourable for the Superior, for when purſued by way of Reduction, (eſpecially on the Act of Parliament) the Lords ex gratia *indulge the favour of purging at the Bar to the Purſuer: Which in Declarators founded upon the Contract of Feu, they will hardly do; but upon Emergents and great Conſiderations, as has been formerly ſaid.*

SUMMONDS of Declarator; of the Expiration of the Legal, Reverſion of an Appryſing.

CHARLES, *&c.* To, *&c.* Our Sheriffs, *&c.* By *G. D.* of —— That where, by Decreet and Proceſs of Appryſing, led and deduced within the new Seſſion-houſe of *Edinburgh*, before *A. B.* Meſſenger, Judge and Sheriff in that part, and his Collegues, upon the —— day of —— 16 and —— years, the ſaid Purſuer obtained, lawfully appryſed, to him, his Heirs and Aſſigneys whatſoever, Heretably, from *H. M.* of —— his Heirs and Succeſſors, and all others having, or pretending to have Intereſt in the matter under-written, all and haill the Lands of —— lying, *&c.* together with certain Reverſions, and other Writs and Evidents, particularly and generally mentioned in the ſaid Appryſing, for Payment and Satisfaction to them of the Sums of Money, Principal, Annualrents, and Expenſes therein-contained, extending at the Term of —— 16 and —— years, to the Sum of —— Money, and that as for the Principal, and of the Sheriff-fee effeiring thereto, exten-

ding to the Sum of —— Money foreſaid, *ſalvo juſto calculo*, in both the ſaids Sums, as the ſaid Decreet and Proceſs of Appryſing, of the date foreſaid, ſeen and allowed by our Lords of Council and Seſſion, and by them found orderly proceeded in manner written on the back thereof, upon the —— day of —— the ſaid year, Ordaining the ſaid Purſuer and his foreſaids, to be heretably infeft in the ſaids Lands and others above-expreſſed, with the Pertinents, in manner, and to be holden of the Superior therein-expreſt, in it ſelf more fully proports, conform whereunto, Allowance and Approbation written on the back thereof, and Charter following thereupon, the ſaid Purſuer, was upon the —— day of —— years, lawfully infeft in the ſaids Lands and others foreſaids, as the ſaid Charter, and Inſtrument of Seaſin following upon the ſame, duly regiſtrat conform to the Act of Parliament, in themſelves alſo more fully is expreſt. *And true it is*, that the ſaid Purſuer was not ſatisfied within the years of the Legal by his ſaid Debitor, neither by his Poſſeſſion of the ſaids Lands and others above Appryſed, with the Pertinents, and Intromiſſion with the Mails, Duties, Cuſtoms and Caſualities thereof, or any other manner of way: Where-through, and by the laudable Laws and Acts of Parliament of this Kingdom, and inviolable Practique thereof, and Expiration of the ſaid Legal, the ſaids Lands and others above Appryſed, with the Pertinents, now appertain and belong to the ſaid Purſuer and his foreſaids, as their own proper Lands and Heretage, Heretably and Irredeemably, ever ſince the Expiring of the ſaid Legal, (which was upon the —— day of —— 16 —— years, and in all time coming, and may now be uſed and diſpoſed upon by them as ſuch, at their pleaſure for the future,) And for that effect, it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, That the ſaid Purſuer was not ſatisfied by his Poſſeſſion of, and Intromiſſion with the ſaids Lands and others above Appryſed, with the Pertinents and Mails, Farms, Kains, Cuſtoms, Caſualities, Profits, and Duties thereof, or any other manner of way by his ſaid Debitor, within the years of the Legal, or ſince: And that the Continuation of the Legal, Reverſion of the Law formerly competent to him, his Heirs and Aſſigneys, for Redemption thereof, is now expired: And that the ſaids Lands and others foreſaids, ever ſince the Expiring of the Legal, (which was at the time above-ſpecified,) have become Irredeemable: And the ſame, now, and in all time coming, appertain and belong to the ſaid Purſuer and his foreſaids, as their own proper Lands and Heretage, Heretably and Irredeemably. And the ſame being ſo found and declared, it ought and ſhould be alſo found and declared by Decreet foreſaid, That it ſhall be leiſum and lawful to the ſaid Purſuer (6) and his foreſaids, peaceably to Bruik, Enjoy, and Poſſeſs the ſame, and to Intromet with and Uplift the Maills, Farms, Profits, Duties, and Caſualities thereof, ſince the Expiration of the ſaid Legal, and in all time coming, at their pleaſure, and to Diſpoſe of the ſame accordingly, after the Form and Tenor of his ſaid Appryſing, Allowance, and Approbation written on the back thereof, Charter and Seaſin following thereupon, Laws, Acts of Parliament, and dayly Practique of this our Realm, heretofore inviolably uſed and obſerved in the like Caſes in all points, as is alledged. *Our Will is herefore*, and we Charge you, that ye peremptorly Summond, Warn, and Charge the ſaid *H. M.* of ——, againſt whom the ſaid Appryſing was led and deduced in manner foreſaid, Perſonally, *&c.* on twenty one days Warning, and all others having, or pretending to have Intereſt in the ſaid matter, by open Proclamation, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter: *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, That the ſaid Purſuer was not ſatisfied by his Poſſeſſion of, and Intromiſſion with the ſaids Lands and others Appryſed, and Mails, Farms, Kains, Cuſtoms, Caſualities, Profits, and Duties thereof,

thereof, or any other manner of way by his ſaid Debitor, within the years of the Legal, or ſince: And that there-through, the Legal, Reverſion of the Law, formerly competent to him and his foreſaids, for Redemption thereof, is now expired: And that the ſaids Lands and others foreſaids, ever ſince the Expiring of the ſaid Legal,) which was at the time above-ſpecified,) have become Irredeemable: And that the ſame, now, and in all time coming, appertain and belong to the ſaid Purſuer and his foreſaids, as their own proper Lands and Heretage, Heretably and Irredeemably. And the ſame being ſo found and declared, to hear and ſee it alſo found and declared by Decreet aforeſaid, That it ſhall be leiſum and lawful to the ſaid Purſuer, (*take in from this* (6) *Figure in the Subſumption, till* as is alledged, *and then ſay*) Or elſe to alledge a reaſonable Cauſe, *&c.* With Certification to the ſaids Defenders, if they failzie, the ſaids Lords will proceed in the ſaid matter, and Find, Decern, and Declare in manner foreſaid, According to Juſtice, as ye will anſwer, *&c.* *This needs no ſecond Dyet, all being proven ſcripto, viz. The Decreet of Appryſing, Charter and Seaſin, and for the years of the Legal, and ther Expiration by Ocular Inſpection, and a ſhort Computation* Clare Conſtat. *Needs no Bill, and it is only proper for the Defender, to prove Payment within the Legal.*

BILL of a Summonds of Contravention of Law-borrows.

MY Lords of Council and Seſſion, Unto your Lordſhips humbly ſheweth, S. J. N. Knight, His Majeſties Advocat for his Highneſs Intereſt in the matter under-written, and *A. M.* of *S.* and *K. M.* my Son, Parties grieved by the Contravention after-ſpecified; and thereby, having good and undoubted Right and Intereſt, with Concourſe of his Majeſties Advocat, for his Highneſs Intereſt aforeſaid, to purſue the Action of Contravention after-mentioned, in manner after-expreſt, That where we the ſaid *A. M.* of —— and *K. M.* having raiſed Letters of Law-borrows, and therewith cauſed charge *A. D.* of —— and *J.* and *A. D.* his Sons, to the effect under-written, upon the —— day of —— laſt by-paſt, they ſuſpended, and therein found *H. R.* of *D.* Cautioner ſoverty and Law-borrows for them, and who, by his Bond dated the —— day of —— alſo laſt by-paſt, became acted and obliged in your Lordſhips Books, that we the ſaids *A. M.* and *K. M.* our Wives, Bairns, Men-Tennants, Servants, Cottars, and Dependers, ſhould be Harmleſs and Skaithleſs in our Bodies, Lands, Heretages, Rooms, Poſſeſſions, Goods and Gear, and that we ſhould on no ways be Troubled or Moleſted by the ſaid *A. D*, nor by the ſaid *J.* and *A. D.* his Sons, nor by their Wives, Bairns, Men-Tennents, Cottars, and Dependers, nor by no others of their Cauſing, Sending, Hounding out, Command, Reſet, Aſſiſtance, or Ratihabition, nor by no others whom they might Stop or Let, *&c.* from the date of the ſaid Charge given to them for finding of the ſaid Caution, which was the —— day of —— 16 —— years, nor in time coming, *&c.* each Landed Perſon, under the pain of a thouſand Merks, and ilk Un-landed Perſon, under the pain of four hundred Merks; and als, for payment to his Majeſties Theſaurer, of twenty Merks for each of their Eſcheat-Goods, in caſe, *&c.* as the ſaids Letters of Law-borrows, with the Executions thereof, and Act of Caution aforeſaid, in themſelves more fully propon: Notwithſtanding whereof, true it is, and of verity, That the ſaid *A. D.* of —— and the ſaids *J.* and *A. D.* his Sons, by themſelves, *&c.* of their cauſing, *&c.* ſince the date of the ſaid Charge given to them for finding of the ſaid Caution, have wrongouſly Contraveened the Tenor of the foreſaid Act of Cautionry, and

Charge given to them in manner foreſaid, and come in the contrary thereof, by committing the ſeveral Deeds of Contravention after-mentioned, ilk one of them for their own parts, as is after-divided, *viz.* (*here inſert the Deeds of Contravention, committed by all or each of them, and then ſay*) Where-through the ſaid *A. D.* of —— and the ſaid *J.* and *A. D.* his Sons, have Contraveened the foreſaid Act of Caution, Soverty and Law-borrowes, found by them in manner foreſaid, and Charge given to them for finding the ſaid Caution, and have come directly in the contrary thereof, and thereby, they and the ſaid *H. A.* of — their Cautioner, are *ipſo facto*, and conjunctly and ſeverally lyable *in ſolidum* and payment of the ſaids reſpective Pains and Penalties, in manner after-expreſt, and therefore it ought and ſhould be declared by your Lordſhips Decreet, that the ſaids Defenders have controveened, *&c.* and that thereby they and their ſaid Cautioner have incurred the foreſaids particular Pains above-ſpecified, and the ſame being ſo found and declared by Decreet foreſaid, they ought and ſhould be decerned conjunctly and ſeverally, to content and pay the foreſaid ſeveral Pains of 1000 Merks, for ilk ane of the ſaid Landed Perſons, and 400 Merks for ilk ane of the ſaids Un-landed Perſons, Controveeners above-mentioned, in manner following; *To wit*, the one equal half thereof to his Majeſty, and to his Higneſs Theſaurer Principal and Depute, and the other equal half thereof to me the ſaid *A. M.* and *K. M.* my Son as Parties grieved by the foreſaids particular Acts of Contravention above-expreſt, and als decerned to make payment to the ſaid Theſaurer-Principal and Deput, of the Sum of Twenty Merks, for the Eſcheat-Goods of the ſaids perſons Controveeners, being denunced to the Horn, and Regiſtrat thereat, before finding of Caution, after the Form and Tenor of the ſaid Act of Law-burrows, Laws, Acts of Parliament, Conſuetude and Practique of this Realm, in all Points. *Herefore* we beſeech your Lordſhips, that we may have Summonds of Contravention in the Premiſſes, againſt the ſaids *A. D.* of — and *J.* and *A. D.* his Sons, and the ſaid *H. R.* their Cautioner, as we pleaſe lybel upon two Dyets, the one of 21, and the other of ſix, to be tabulat in the Table of his Majeſties Actions and Cauſes, and called by the Order and Priviledge thereof, becauſe the foreſaid Action is acceſſory to the foreſaid Act of Caution, and follows and depends thereupon, and is a part of the Execution thereof, conform to your Lordſhips daily Practique, and Order uſed and obſerved in the like caſes, and your Deliverance to be granted thereanent. And your Lordſhips Anſwer.

Nota, *This Action had but one Dyet before Acts of Continuation were taken away, but now muſt have firſt and ſecond Dyet, ſeing the Acts of Contravention muſt be proven, and probably by the Defenders Oaths.*

SUMMONDS of Contravention on the ſaid Bill.

CHARLES, *&c.* To our Sheriffs, *&c.* by *S. J. N.* Knight, our Advocat for our Intereſt, *A. M.* of — and *K. M.* Parties grieved; That where the ſaid *A. M.* and *K. M.* his ſaid Son, having raiſed Letters of Law-borrows, and therewith having cauſed charge *A. D.* of — and *J.* and *A. D.* his Sons, to the effect under-written, upon the — day of — laſt bypaſt, the ſaids *A. D.* elder, and the ſaids *A.* and *J.* his Sons ſuſpended, and found *H. R.* of *D.* Cautioner, ſoverty and Lawborrows for them, and who by his Bond of the Date the — and — days of *June* —— years, became acted and Obliged in our

our Books of Council and Seſſion, that the ſaids Complainers, their Wives, Bairns, Men-Tennents, Servants, Cotters and Dependers, ſhould be Harmleſs and Skaithleſs in their Bodies, Lands, Heretages, Roums, Poſſeſſions, Corns, Cattel, Goods and Geir, and that they ſhould on no ways be troubled nor moleſted therein by the ſaid *A. D.* nor by the ſaids *J.* and *A. D.* his Sons, nor their Wives, Bairns, Men-tennents, Servants, Cotters, Dependers, nor by no others of their cauſing, ſending, hounding-out, command, Reſet, aſſiſtance nor ratihabition, nor by no others whom they might ſtop or let, directly nor indirectly in any ſort from the date of the ſaid Charge given to them for finding of the ſaid Caution, nor in time-coming otherways nor by order of Law and Juſtice, under the Pains following, *viz.* Ilk landed Perſon under the pain of a thouſand Merks, and an Un-laud Perſon under the pain of four hundred Merks, and als for payment to our Theſaurer of twenty Merks *ſcots*, for ilk ane of their Eſcheat Goods, in caſe it ſhould be found by our Lords of Council and Seſſion, that they were orderly denunced Rebels, and put to the Horn, for not finding of the ſaid Caution, acted in manner foreſaid, in due time conform to the ſaid Charge, as the ſaids Letters of Lawborrows, with the Execution thereof, and act of Cautionry of the date foreſaid at more length bears; Notwithſtanding thereof, true it is, and of verity, that the ſaids *A. D.* of *B.* and the ſaids J. and *A. D.* his Sons by themſelves, their Servants, Complices, and others in their Names, of their cauſing, ſending, hounding-out, Command, Reſet, Aſſiſtance, and Ratihabition ſince the ſaids reſpective Charges given to them for finding of the ſaid Caution, have wrongouſly contraveened the Tenor of the foreſaid Act of Cautionry, and charge given to them in manner foreſaid, and has come in the contrair thereof, by committing the ſeveral Deeds of Contravention after-mentioned, ilk an of them for their own parts, as is after-divided, *viz.* (*here inſert the Deeds of Contravention committed by all or each of them, and then ſay*) Wherethrough the ſaid *A.* D. of *B.* and the ſaid *J.* and *A. D.* his Sons Defenders foreſaid, have controveened the foreſaid Act of Caution, Lawborrows and Soverty, and charge given to them for finding of the Caution, and has come directly in the contrair thereof, and thereby incurred the ſaids Penalties; and therefore ought and ſhould be found and declared by Decreet of our ſaids Lords of Council and Seſſion, that the ſaids Defenders have controveened the foreſaid Charge of Lawborrows, given to them in manner foreſaid, and Act of Caution found by them, to the effect above-mentioned, in manner; and at the ſeveral times reſpective above-expreſt, and that therethrough the ſaid *A. D.* and *J.* and *A. D.* his Sons and their ſaid Cautioner have incurred the foreſaids particular Pains above-named, and the ſame being ſo found and declared, the ſaid *A. D.* of —— elder, and the ſaids J. and *A.* D. his Sons, and als the ſaid *H. R.* their Cautioner above-deſigned, ought and ſhould be Decerned and Ordained by Decreet of our ſaids Lords of Council and Seſſion, conjunctly and ſeverally, to content and pay the foreſaid ſeveral Pains of a thouſand Merks *ſcots*, for ilk ane of the ſaids Landed Perſons controveening as aforeſaid, and the Sum of four hundred Merks Money foreſaid, for ilk ane of the ſaids Un-landed Perſons Controveeners above-ſpecified, in manner following; *To wit*, the one equal half thereof to Us and our Theſaurer Principal and Deput, for our uſe and behove, and the other equal half thereof to the ſaids *A. M.* and *K. M.* his Son, as Parties grieved by the foreſaid particular Acts of Controvention above-mentioned, and als ſhould be decerned to make payment to our ſaid Theſaurer of the Sum of twenty Merks Money foreſaid, for the Eſcheat-goods of each of the ſaids perſons, after the Form and Tenor of the ſaid Act of Caution and Lawborrows, Laws, Acts of Parliament, and Practique and Conſuetude of this our Realm, in all points, as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn and Charge the ſaid *A. D.* of —— and *J.* and *A. D.* his

Sons, and the ſaids *H.* R. their Cautioner above-deſigned, perſonally, or at their dwelling-places, on twenty one days warning, to compear before us and the ſaids Lords of our Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— next to come, if it be lawful, and failzeing thereof, the next lawful day thereafter following, in the hour of Cauſe, with continuation of Days, to anſwer at the Inſtance of our ſaid right truſtie Counſellor *S. J. N.* our Advocat for our Intereſt, in the ſaid matter, and als at the Inſtance of the ſaid *A.* and *K. M.* Parties grieved by the foreſaid Contravention and Purſuers above-mentioned: *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes ſufficiently verefied and proven to be of verity, and the ſame being ſo verified and proven, to hear and ſee it found and declared by Decreet of our ſaids Lords of Council and Seſſion, that they have controveened the foreſaid Charge of Lawburrows given to them as ſaid is, and Act of Caution found by them, to the effect foreſaid, in manner, and at the ſeveral times above-mentioned, and that there-through the ſaids *A. D.* and *J.* and *A.* D. his Sons, and their ſaid Cautioner above-named, have incurred the particular Pains and Penalties of Contravention above-named, and the ſamen being ſo found and declared, the ſaids *A.* D. elder, and the ſaids *J.* and *A.* D. his Sons, and als the ſaids *H. R.* their Cautioner above-ſpecified, to hear and ſee themſelves Decerned and Ordained by Decreet of our ſaids Lords, conjunctly and ſeverally, to content and pay the foreſaids ſeveral Pains of one thouſand Merks *ſcots*, for ilk ane of the ſaids landed Perſons contraveening as aforeſaid, and the ſaid Sum of four hundred Merks for ilk ane of the ſaids un-landed Perſons Contraveeners above-ſpecified, in manner foreſaid; *To wit*, the one equal half thereof to Us and our ſaid Theſaurer and Theſaurer-Deput for our uſe, and the other equal half thereof to the ſaid *A. M.* and *K. M.* his Sons, as Parties grieved by the particular Acts of Contravention aforeſaid, and als to content and pay to our ſaid Theſaurer and Theſaurer-Deput, the ſaid Sum of twenty Merks for the Eſcheat Goods of each of the ſaids Perſons, after the Form and Tenor of the ſaid Act of Caution and Lawborrows, Laws, Acts of Parliament, and Practique and Conſuetude of this our Realm, in all points, or elſe to alledge a reaſonable cauſe in the contrair, why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords will find, decern, and declare in manner foreſaid, according to Juſtice, and for the Coſt and Skeith ſuſtained and to be ſuſtained by the ſaids Purſuers in the ſaid matter; And farder, to anſwer at their Inſtance thereintil, in ſo far as Law will, making Intimation and Certification to the ſaids Defenders as effeirs, to be tabulat in the Table of our Actions and Cauſes, and called by the Priviledge and Order thereof, becauſe the foreſaid Action of Contravention is acceſſory to the foreſaid Act of Caution, and follows and depends thereupon, and is a part of the Execution thereof, and therefore merits ſummar Proceſs, conform to our ſaids Lords their daily Practique, and Order uſed and obſerved in the like caſes, and their Deliverance granted thereanent: Attour, that ye lawfully Summond, Warn and Charge ——— to compear, *&c.* with Continuation, *&c.* as ye will anſwer, *&c.* *Given under our Signet at —— the —— day of ——, and of our Reign the —— year.*

Ex Deliberatione Dominorum Concilii.

SUMMONDS

SUMMONDS against Cutters of green Wood, upon the Act of Parliament.

CHARLES, *&c.* To, *&c.* Our Sheriffs, *&c.* By *P. M* of *C.* That where, upon the —— day of —— years, the ſaid Purſuer was duly and Heretably Infeft and Seaſed, in all and haill the Lands of —— with the Woods and Pertinents thereof, lying within the Parochin of —— and Stewartry of ——, as his Infeftment and Seaſin thereof, at more length proports: Likeas, by an Act of Parliament made by our Umquhile Deceaſt Goodſir, in his ſixth Parliament, holden at *Edinburgh* the twenty of *October* one thouſand five hundred and ſeventy nine years, in the eighty eight Act thereof, (Intituled, *Anent the Deſtroyers of Planting, Haining, and Policy,*) our ſaid Umquhile Deceaſt Goodſir, with Advice of the three Eſtates, Ratified, Confirmed, and Approved all and ſundry laudable good Acts, made by his moſt Noble Progenitors, and Ordained them to take Effect, and be put to Execution againſt the Contraveeners thereof thereafter in time coming, with this Addition, That whatſoever Perſons Slayes, Peils, and Deſtroys green Wood, Pulls, Slayes, and Cuts young growing Trees, Timber, Hained Broom, and breaks Yards and Orchards without good Will of the Owner, being purſued, ſhould be puniſhed as follows, *viz.* For the firſt Fault, ſhould pay to the Owner of the Wood or Orchard, the Value of the Skaith done, with ten Pounds: For the ſecond Fault, ſhall pay to the Owner twenty Pounds, with the Avail of it that is Deſtroyed: For the third Fault, fourty Pounds, with the Avail of it that is Deſtroyed, and then ſo forth how oft any perſon failzies, the like Penalty of fourty Pounds to be payed to the Owner of the Wood, as in the ſaid Act of Parliament, at more length is contained. *And true it is,* that the Perſons after Nominat, have by themſelves, their Servants, Complices, or others in their Names, of their Cauſing, Sending, Hounding-out, Command, Reſet, Aſſiſtance, and Ratihabition, and to their Utility and Profit, Maſterfully and Wrongfully Cutted, Hewn down, Felled, Peiled, Slayed, Deſtroyed, Intrometted with, and away-taken, the Times after-ſpecified, the green Wood and growing Trees, with the Bark thereof after-mentioned, of the Avails, Prices, Sorts, and Qualities after-expreſt, ilk one of them for their own parts, as is after-divided, *viz.* (*here leave blank for a Sheet to Libel the Times, Quantities, and Prices, and then ſay*) and which Wood ſo Cut, Felled, Peiled, Hewn down, and away-taken by the ſaids Defenders, as ſaid is, belonged to the Purſuer as his own proper green Wood, Timber, and Trees on the ſaids Lands, and were worth, and would have given and rendered to the Purſuer, the Avails, Eſtimations, and Prices above-mentioned, had the ſame been ſuffered to ſtand and grow, and not unjuſtly Cut, Felled, Peiled, Deſtroyed, and away-taken, in Manner, and at the Times above-expreſt, and they, and ilk one of them, have manifeſtly Contraveened the Tenor of our ſaid Acts of Parliament, and come in the contrary thereof, in manner, and at the times above-ſpecified, and thereby have incurred the Pains above-mentioned therein-contained, attour their being lyable for the Avail and Damnage: And albeit, that the forenamed perſons be holden, and ought and ſhould make Payment and Deliverance to the ſaid Purſuer, not only of the Avail of the ſaids Wood, growing Trees, Bark, Timber, and others foreſaids, Deſtroyed, Peiled, Cutted, and away-taken by them, their Servants, and others in their Names, at their Direction, and to their Behove, in manner, and at the times above-rehearſed, ilk one of them for their own parts, as is above-divided, extending to the particular Quantities, Avails and Prices above-mentioned; but alſo, ought and ſhould make Payment and De-

iverance to him of the foreſaid ſeveral Pains and Penalties, mentioned in our ſaid Act of Parliament, the firſt of ten Pounds, the ſecond of twenty Pounds, and third, and ilk one of the remanent Faults, of fourty Pounds, incurred by them, and ilk one of them, through Contraveening the Tenor of our ſaid Act of Parliament; in manner, and at the times above-rehearſed: *Nevertheleſs* they wrongouſly Refuſe, Poſtpone, and Defer ſo to do, without they be compelled, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn, and Charge the forenamed perſons, *&c.* to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter: *That is to ſay*, the ſaids Defenders, to hear and ſee the Premiſſes ſufficiently verified and proven to be of Verity. And the ſame being ſo verified and proven, the ſaids Defenders to hear and ſee themſelves Decerned and Ordained, by Decreet of our ſaids Lords of Council and Seſſion, to make Payment and Deliverance to the ſaid Purſuer, not only of the Avail of the ſaid Wood, growing Trees, Bark, Timber, and others foreſaids, Deſtroyed, Peiled, Cutted, and away-taken by them, their Servants, and others in their Names, at their Direction, and to their Behove, in manner, and at the times above-rehearſed, ilk one of them for their own parts, as is above-divided, extending to the particular Quantities, Avails, and Prices above-mentioned; but alſo to hear and ſee themſelves Decerned and Ordained, to make Payment and Deliverance to him of the foreſaid Pains and Penalties, mentioned in our ſaid Act of Parliament, the firſt of ten Pounds, the ſecond of twenty Pounds, and the third, and ilk one of the remanent Faults, fourty Pounds, incurred by them, and ilk one of them, through Contraveening of the ſaid Act of Parliament, in manner, and at the times above-rehearſed; Or elſe to ſhew a reaſonable Cauſe in the contrary, why the ſame ſhould not be done, With Certification to them, if they failzie, the ſaids Lords will proceed and Decern in manner foreſaid, according to Juſtice, as ye will anſwer to us thereupon, *&c.* *Given under our Signet at* Edinburgh, *the —— day of ——, and of our Reign the twenty year*, 1668.

SUMMONDS of Reduction ex capite Minoritatis.

CHARLES, &c. To Our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, Greeting: *Our Will is*, and we Charge you, that ye peremptorly Summond, Warn, and Charge M. *T. G.* of —— *J. G.* of ——, (*blank for a quarter of a ſheet*) to whom, and in whoſe favours, the pretended Bonds, Obligations, Contracts, Diſpoſitions, and other Writs and Evidents after-ſpecified, are alledged, made, and granted by *G. D.* of ——, in manner after-mentioned, Perſonally, or at their Dwelling-places, on twenty one days Warning, and the Tutors and Curators of ſo many of them as are Minors, if they any have, for their Intereſts, and all others having, or pretending to have Intereſt in the matter under-written, by open Proclamation at the Mercat-Croſs of ——, and other places needful, to compear before our Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of ——, if it be lawful, and failzieing thereof, the next lawful day thereafter, following in the Hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of the ſaid *G. D.* Purſuer, by whom, and to whoſe great hurt and prejudice, and enorm Leſion, the foreſaids pretended Bonds, Obligations, Contracts, Diſpoſitions, and other Writs and Evidents above and after-ſpecified, are alledged, made, and granted the time of his Minority and leſs Age, in manner after-mentioned, and thereby (now after his full and perfect Age of twenty one years compleat, *& infra annos utiles*,) having

(by

(by the Laws, Acts of Parliament, and conſtant Practique of this Realm, introduced in favours of Minors, and heretofore inviolably obſerved, ſufficient good and indoubted Right and Intereſt to call for Exhibition and Production thereof, and to proſecute, follow-furth and purſue the Action of Reduction of the ſame under-written, *ex capite Minoritatis & Læſionis*, in manner after-expreſt, *That is to ſay*, the ſaids Defenders to bring with them, Exhibit and produce before our ſaids Lords of Council and Seſſion, the ſaid day and place, in the hour of Cauſe, with continuation of days, the Bonds, Obligations, Contracts, Diſpoſitions, and other Writs and Evidents after ſpecified, viz. (*Here live blank for as much as may conveniently hold all the Writs craved to be produced and reduced, and then ſay*) of the Dates, Tenors and Contents above-ſpecified, or of whatſoever other Dates, Tenors or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame *ex capite minoritatis & Læſionis* Reduced, Retreated, Reſcinded, Caſſed, Annulled, Decerned and Declared by Decreet of the ſaids Lords, to have been from the beginning, to be now and in all time coming null, and of none avail, force, ſtrength nor effect, with all that has followed or may follow thereupon, for the Reaſons and Cauſes following: In the firſt, (*here inſert the uſual Reaſon founded upon the Acts of Parliament, and then ſay*) And therefore the ſaids pretended Bonds, Obligations, Contracts, Diſpoſitions, and other Writs and Evidents above-ſpecified, called for, to be produced and reduced as ſaid is, of the Dates, Tenors and Contents above-ſpecified, or of whatſoever Dates, Tenors and Contents the ſame be of, ought and ſhould (*ex capite minoritatis & Læſionis, be Reduced, Retreated, Reſcinded, (here conclude according to the former Stile of a Reduction*, uſque ad finem, *but any Alteration, only every Summonds has its own true date, and that year of the King's Reign in which it is written and expede.*

SUMMONDS of Reduction ex capite Inhibitionis.

CHARIES, *&c.* To, *&c.* Our Sheriffs, *&c.* Greeting. *Our Will is*, and we charge you, that ye peremptorly Summond, Warn and Charge *A. B.* of ——, to whom, and in whoſe favours the pretended Contracts, Diſpoſitions, Charters, Seaſins, Infeftments, and others Rights and Securities after-ſpecified, of the Lands, Tenements, and others after-mentioned, are alledged, made and granted by *G. D.* of —— after Inhibition was duely and lawfully Raiſed, Served, Execute and Regiſtrat againſt him and the Leidges, at the Inſtance of *W. H.* of —— in manner, and for the Cauſes after-expreſt, and the ſaid *G. D.* Maker and Granter of the ſaids pretended Writs and Evidents for his Intereſt, perſonally, or at their dwelling-places, on twenty one days warning, and all others having or pretending to have Intereſt in the matter under-written, by open Proclamation at the Mercat-Croſs of ——, and other places needful, to compear before our Lords of Council and Seſſion, (*follow out the former Stile till ye come to the words*) to anſwer at the Inſtance of the ſaid *W. H.* Purſuer, at whoſe inſtance the foreſaid Inhibition was duly and lawfully raiſed, ſerved, execute and regiſtrat againſt the ſaid *G. D.* and our Leidges, and to whoſe great hurt and prejudice the foreſaid pretended Contracts, Diſpoſitions, Charters, and other Writs and Evidents of the Lands and others after-ſpecified, are alledged made and granted by the ſaid *G. D.* to the ſaid *A. B.* after the ſame was ſo raiſed, ſerved, execute and regiſtrat, and thereby having ſufficient good and indoubted Right and Intereſt, to call for Exhibition and Production thereof, and to proſecute, follow-furth and purſue the

Action of Reduction of the ſame after-mentioned, *ex capite Inhibitionis*, in manner after-expreſt, *That is to ſay*, the ſaids Defenders to bring with them, Exhibit and Produce before the ſaids Lords of Council and Seſſion, the ſaid day and place, in the Hour of Cauſe, with continuation of days, the pretended Contracts, Diſpoſitions, Charters, and other Writs and Evident, after-ſpecified, *viz.* (*here leave blank for the Writs, and then ſay*) of the Dates, Tenors and Contents above-ſpecified, or of whatſoever other Dates, Tenors or Contents the ſame be of, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame *ex capite Inhibitionis*, Reduced, Retreated (*follow furth the Stile of the Reduction*) *ex capite Minoritatis*, without any Alteration except thir two. 1. *Omit the Word Bands, Obligations.* 2. *Whereas the other ſays, after the Words, and therefore, &c.* Ex capite Minoritatis & Læſionis, *ſay in this*, Ex capite Inhibitionis, *and ſo conclude.*

SUMMONDS of Exhibition of a Bond againſt a Haver thereof in his Cuſtody, and againſt the Granters Repreſentatives for payment of the Debt.

CHARLES, *&c.* to —— our Sheriffs in that part, *&c.* and Meſſengers *reſpective*, conjunctly and ſeverally, *&c.* meant and ſhown to us by *A. B.* of —— that where the deceaſt *C. D.* of —— by his Bond dated the —— day of —— —— years) for the Cauſes therein-ſpecified) bound and obliged him his Heirs, Executors and Succeſſors to him in his Lands and Heretages, and Intrometters with his Goods and Gear whatſoever, to have contented and payed to the ſaid purſuer, his Heirs, Executors or Aſſigneys, the ſum of —— *ſcots* Money, betwixt the Date foreſaid of the ſaid Bond, and the Term of —— then next to come, but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, and Annualrent conform to the Act of Parliament, from the date of the ſaid Bond, to the Term of payment above-written, and yearly, termly and continually thereafter, during the not payment, as the ſaid Bond of the date foreſaid in it ſelf more fully proports, and which Bond was delivered by the Purſuer to *M. J. H.* Writer to our Signet, for raiſing Summonds thereon, againſt *C. D.* now of —— as Heir, and otherways repreſenting the ſaid deceaſt *C. D.* of —— Granter thereof (after the days of the general Charge raiſed in the ſaid matter were elapſed) and the ſaid *M. J. H.* having *medio tempore* deceaſt, the ſaid Bond with the ſaids Letters of general Charge to enter Heir, and Executions thereof, are now in the hands, cuſtody and keeping of —— his Relict, *J. H.* his Son, and —— his Servants, or one or other of them, at leaſt they, or any one or other of them, had, have, or fraudfully abſented, vitiat, lacerat, cancelled, deſtroyed, or put the ſame away; And albeit it be of verity, that the ſaid Purſuer has oft and divers times deſired and required them, or one or other of them havers thereof, or at leaſt who had, have, or fraudulently have abſented, vitiat, lacerat, cancelled, deſtroyed, or put the ſame away as ſaid is, to give up and deliver the ſaid Bond, general Charge and Executions thereof to the Purſuer, as his own proper Evidents, haill in themſelves, unvitiat, cancelled and deſtroyed, or in as good Condition as they found them; *Nevertheleſs*, they not only wrongouſly refuſe, poſtpone and defer to the ſamen, but alſo to exhibite and produce them before our Lords of Council and Seſſion, to the effect the ſame may be ordained by their Decreet, to be given up and delivered to the ſaid Purſuer, as his own proper Writs and Evidents in manner foreſaid, neither will the ſaid *C. D.* now of —— Eldeſt lawful Son and Heir Served and Retoured to the ſaid deceaſt *C. D.* of —— at leaſt lawfully charged to enter Heir to him, within fourty Days, conform to the Act of Parliament, (libel the other paſſive Titles, as in page 213 and then ſay) make payment

to

to him of the ſaids Sums contained in the ſaid Bond: albeit oft and divers times deſired and required thereto, without they be compelled; as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn, and Charge the forenamed perſons, *viz.* ------ Havers in their ſaids Cuſtody and Keeping of the ſaids Bond, general Charge, and Executions thereof; at leaſt who, or one or other of them, had, have, or fraudulently have Abſented, Vitiat, Lacerat, Cancelled, Deſtroyed, or put the ſame away in manner foreſaid: And als the ſaid *C. D.* of ------ *nominibus paſſivis quibus ſupra*, Perſonally, or at their Dwelling-places, on ſix days Warning, to compear, *&c.* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter: *That is to ſay*, the ſaid Defenders, or one or other of them, Havers in their Hands, Cuſtody, and Keeping of the ſaids Bond, general Charge, and Executions thereof; at leaſt, who had, have, or fraudulently have Abſented, Vitiat, Lacerat, or put the ſame away in manner foreſaid, to hear and ſee themſelves Decerned and Ordained, to Exhibit and Produce the ſame before the ſaids Lords, haill in themſelves, Unvitiat, Cancelled, or Deſtroyed; at leaſt in als good Caſe and Condition, as they found or received them, to the effect, the ſame may be Ordained by their Decreet, to be given up and delivered to the ſaid Purſuer, as his own proper Evidents. And the ſame being ſo Exhibit and Delivered to the ſaid Purſuer, as ſaid is, the ſaid *C. D.* now of ------ upon the Paſſive Titles above-ſpecified, or one or other of them, to hear and ſee himſelf alſo Decerned and Ordained by Decreet of the ſaids Lords, to make Payment and Deliverance to the ſaid Purſuer of the ſaid Sum of ------ Money foreſaid of Principal, ------ Money foreſaid of Expenſes and Annualrent of the ſaid principal Sum, of all Years and Terms by-gone, reſting, owing, unpayed: And ſicklike, Yearly and Termly in time coming, during the not Payment thereof, (the Terms of Payment of the ſame, being always firſt come and by-gone,) after the Form and Tenor of the ſaid Bond, Laws and dayly Practique of this our Realm, in all points; or elſe to alledge a reaſonable Cauſe, why the ſame ſhould not be done, With Certification to the ſaids Defenders, if they failzie, our ſaids Lords will proceed in the ſaid matter, and Decern therein in manner foreſaid, (*inſert a ſecond Dyet on* (6) *days, becauſe of the Exhibition and Paſſive Titles, and then ſay*) according to Juſtice, to be called on two Dyets of ſix days Warning, as ſaid is, becauſe Exhibitions are Priviledged of their own nature, and the Debt inſtructed by Writ, and as to the Paſſive Titles, the Purſuer is content to refer what not proven by Writ or Witneſſes, to the Defenders Oaths of Verity, and ſo merits ſummar Proceſs, conform to the ſaids Lords, their dayly Practique and Order, uſed and obſerved in the like Caſes, and their Deliverance granted thereanent, as ye will anſwer, *&c.* *This Summonds muſt have a Bill, and then conclude with*

Ex Deliberatione Dominorum Concilii.

BILL of Summonds of Roup and Sale on the Acts of Parliament, where the Debitor is Bankrupt, and ſome of the Creditors Infeft, and in Poſſeſſion.

MY Lords of Council and Seſſion, Unto your Lordſhips humbly ſheweth, Sir *W. C* of *C.* Son and Heir Served and Retoured to the deceaſt S. *J. C.* of *C.* my Father, That where, (*here deduce the Appryſing led at the Inſtance of the Appryſer, in the third Perſon, and date of the Allowance, and the Defuncts Right thereto, and then ſay*) conform whereunto, and Charter following thereupon under the Great Seal, dated the —— day of —— 16 —— years, the ſaid Defunct my Father, was upon the —— day of —— 16 —— years,

——— years, lawfully Infeft in the ſaids Lands and others above Appryſed, with the Pertinents, and as Seaſin duly regiſtrat: Likeas, I was upon the ——— day of ——— 16 ——— years, alſo Infeft therein, as Heir in Special Served and Retoured to him, and my Seaſin likewiſe duly regiſtrat, as the ſaid Appryſing, Rights made to my ſaid Father thereof, Charter and Seaſin following thereupon, together with the Seaſin in my favours, as Heir foreſaid, in themſelves more fully proport: And ſicklike, by the ſeventeenth Act of the third Parliament of King *Charles* the ſecond, of ever bleſſed Memory, holden at *Edinburgh* the fourteenth day of *September* 1681 years, His Majeſty and his Eſtates of Parliament, having taken to their Conſideration, That when the Eſtates and Lands of Bankrupts, were affected with Adjudications, Compryſings, and other real Rights, (exceeding their Value) it oft-times falls out, that the Creditors do not agree to ſell the Lands, whereby ſuch Eſtates become ineffectual to many Creditors, therefore Authorized and Impowered the Lords of Council and Seſſion, (upon a Proceſs at the Inſtance of any Creditor having real Right,) to cognoſce and try the Value of ſuch Eſtates, (where the Heretor is notoriouſly Bankrupt, and the Creditors in Poſſeſſion of the Eſtate,) and to Value the ſame according to the true Worth thereof, in its Rents, Caſualities, Rights and Holdings, according to the Uſe and Cuſtom of the Countrey where the Lands ly, and to Commiſſionat perſons to ſell theſe Lands and Eſtates at the ſaids Rates, or more as can be had for the ſame, with Conſent of the Debitor, where there is a legal Reverſion competent to him, and without his Conſent, where there is no Legal: And Ordained the ſaid Sale to be by publick Roup, not being under the Rate and Price appointed by the Lords of Council and Seſſion, and that the Roup ſhould be made after publick Intimation at the Mercat-Croſs of the Head-Burgh of the Shire where the Lands lies, and at the Head-Burgh of the Bailliary, Stewartry, or Regality, if they ly within ſuch Juriſdictions, and at the Paroch-Kirks where the Lands ly, and at ſix other adjacent Paroch-Kirks, to be named by the ſaids Lords of Seſſion, in manner particularly mentioned in the ſaid Act of Parliament. *And true it is*, that I am a juſt and lawful Creditor to the ſaid deceaſt Sir *W. S.* of *M.* and has a real Right to the ſaids Lands, Baronies, and others above-mentioned; and that the ſaid Sir *W. S.* was notoriouſly Bankrupt, in ſo far as the Creditors were, and are in Poſſeſſion of his Eſtate, and the ſaid Sir *W. S.* was a Rebel and at the Horn: Where-through, it is moſt juſt and reaſonable, that conform to the Tenor of the foreſaid Act of Parliament, the Value of the Lands, Baronies, and others above-written, pertaining to the ſaid Umquhile Sir *W. S.* be cognoſced and tryed by your Lordſhips, the way and manner therein-preſcribed: And the ſame being ſo cognoſced and tryed by your Lordſhips, your Lordſhips ought and ſhould Appoint, Modifie, and Determine the Price of the ſaids Lands, Baronies, and others, Rents and Caſualities, according to the Uſe and Cuſtom of the Shires of *C.* and *R.* within which the ſame ly, and in Order thereunto, Sir *J. S.* now of *M.* eldeſt lawful Son, and appearand Heir to the ſaid Umquhile Sir *W. S.* of *M.* his Father, Haver in his Hands, Cuſtody, and Keeping of the Writs, Evidents, and Rights of the Lands and others above-rehearſed, ought to Exhibit and Produce the ſame before your Lordſhips, and the ſaid Sir *W. S.* his Creditors, ought and ſhould Exhibit and Produce their haill reſpective Rights and Intereſts, whether Bonds, Obligations, Diſpoſitions, Contracts, Charters, Procuratories, and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſin, Infeftments of Relief and Warrandice, and other Infeftments of Annualrents, or Annuities of the ſaids Lands or other Eſtate, or Infeftment therein, granted for Payment and Security of Money, Adjudications, Appryſings, Inhibitions, Hornings, Arreſtments, Reverſions, Back-Bonds, Aſſignations, Tranſlations, Diſcharges, or Renunciations of Reverſions, Tacks, and all other Writs, Evidents, Rights, and Securities, made

and

and granted by the ſaid Umquhile Sir *W. S.* of *M.* or any other perſon or perſons to his ſaids Creditors, or any of them, or to any of their Fathers, Mothers, Grand-Fathers, Grand-Mothers, Great Grand-Fathers, Great Grand-Mothers, or others their Predeceſſors, Cedents, and Authors, to whom they have ſucceeded, or may ſucceed *jure ſanguinis*, or from whom they have Right, off, upon, or concerning the Lands, Baronies, or others above-mentioned, or any Parts or Portions thereof, or any Annualrents or Yearly Duties, to be uplifted forth of the ſame, or for Relief of whatſoever Debts and Engagements, or Security and Payment of Money, or Warrandice againſt Incumbrances, or of whatſoever other Tenor, Nature, or Quality the ſaids Rights be of, whereby they can burden and affect the ſaids Lands, Baronies, Teinds, Caſualities, or Rents thereof, and other Eſtate aforeſaid, pertaining and belonging to the ſaid Sir *W. S.* of *M.* and his foreſaids, and to which the ſaid Sir *J. S.* has ſucceeded, or may ſucceed, or derive Right in manner above-expreſt, and Probation ought and ſhould be taken anent the Verity of the Rental, with the Deductions therefrom, and forth of the ſame, of all Feu-Duties, Blench-Duties, and other Duties in Law Deductable, and the Value and Worth of the true Rental: And likewiſe, the Value and Price of Lands in thoſe Countreys being Proven, and the Price being Modified by your Lordſhips, as ſaid is, Commiſſioners ought and ſhould be Nominat and Authorized by your Lordſhips, to Sell the ſaids Lands, Baronies, and Eſtate, at the Price which your Lordſhips ſhall Determine and ſet upon them, or more if it can be had from any other Perſon or Perſons, who ſhall offer moſt for the ſame in a publick Roup, to be appointed by your Lordſhips for that effect: And in like manner, Letters of Publication ought and ſhould be directed by your Lordſhips Deliverance at my Inſtance, for Intimating to all Perſons concerned, That the ſaids Lands, Baronies, and others above-ſpecified, are publickly to be Rouped, conform to the ſaid Act of Parliament, and in the Terms thereof, and Judicially to be Sold and Diſponed by the Perſons Commiſſionat for that effect, by your Lordſhips, to the Perſons who ſhall bid moſt therefore, not being below the Price put thereon by your Lordſhips, and the ſaid Alienation and Sale, upon Payment of the Price aforeſaid, found and declared to be als Valid, effectual, and Sufficient, as if the ſaid Sir *J. S.* and all the Creditors of the ſaid deceaſt Sir *W. S.* and his Predeceſſors, Cedents, and Authors, had Subſcribed the ſame and Conſented thereto, and the ſaids Creditors, upon Payment to them of the ſaid Price, according as they ſhall be preferred by your Lordſhips, ought and ſhould be Decerned and Ordained by your Lordſhips Decreet, to Diſpone and make Conveyance of the reſpective Rights of the ſaids Lands and Eſtate, in favours of the Acquirer, his Heirs and Aſſigneys whatſoever, Heretably and Irredeemably, with ſuch Warrandice as your Lordſhips ſhall find juſt, and appoint *in quantum lucrati*, and that they receive of the ſame Price by the ſaid Preference, for and upon the Account of their ſaids Rights and Pretences thereto, and either to deliver up to the ſaid Acquirer and his foreſaids, their ſaids Rights, (at leaſt to the Extent of a ſufficient and legal Progreſs,) or Judicial Tranſumpts thereof, and upon Inventar Subſcribed by both Parties, and by which they are to be obliged, (and ſo Decerned and Ordained,) to make the Principals themſelves forth-coming in all Actions and Cauſes, wherein Tranſumpts ſhall not be ſufficient, and the Writs and Evidents of the ſaids Lands and Eſtate, ought and ſhould be Decerned and Ordained to be given up and delivered by the ſaid Sir *J. S.* or others the Havers thereof, upon Inventar to the ſaid Acquirer and his foreſaids, as their own proper Writs and Evidents, and to be diſpoſed of by them as ſuch at their pleaſure, thereafter in all time coming, and Letters of Horning Ordained to be direct at the Inſtance of the ſaid Acquirer and his foreſaids, againſt them for that effect, and the ſaid Purchaſer and his foreſaids, found and declared by your

Lordſhips Decreet, to have Right to the haill Maills, Farms, Kains, Cuſtoms, Caſualities, Profits, and Duties of the ſaids Lands and Eſtate ſo Rouped and Adjudged by Sale, as ſaid is, and the ſame Adjudged and Aſſigned to them by your Lordſhips Decreet, of the Cropt and Year of GOD 16 and —— years, and haill Terms thereof, and Yearly and Termly thereafter in all time coming, and the Tackſmen, Tennents, and Poſſeſſors thereof, preſent and to come, ought and ſhould be Decerned to make Payment of the ſame accordingly, and the ſaid Acquirer and his foreſaids, Decerned and Ordained by Decreet foreſaid, to be Heretably Infeft and Seaſed in the ſaids Lands, Baronies, and others above-ſpecified, with the Pertinents, lying in manner foreſaid; and that in manner following, *viz.* In ſo many thereof, as holds of his Majeſty and his Royal Succeſſors, by way of Signature and Compoſition in Exchequer, and in ſuch of the ſame as holds of ——, by way of Charter, containing Precept of Seaſin, in due and competent Form, and Letters of Horning Ordained to be direct at the Inſtance of the ſaid Acquirer, and his foreſaids, againſt the ſaid —— Superiors aforeſaid, on a ſimple Charge of twenty one days, to be holden, the ſaids haill Lands, Baronies, and others above-mentioned, of the ſaids reſpective Superiors; ſicklike, in the ſame manner, and als freely in all Reſpects, as the ſaid Sir *J. S.* and the ſaid deceaſt Sir *W. S.* or any of their Predeceſſors, or Authors held, hold, or might have holden the ſame, at any time before the ſaid Roup and Sale: As alſo, the ſaids Creditors ought and ſhould be Ranked by your Lordſhips Decreet, according to the due Courſe of Preference, and Ordained to be payed out of the ſaid Price, and upon their Denuding, and making Conveyance of their reſpective Rights, in favours of the Acquirer and his foreſaids, in manner, and with Warrandice, as is above-expreſt, and upon their doing and performing what elſe Ordained by your Lordſhips Decreet, in manner above-rehearſed; and with Certification to ſuch of the Creditors, as ſhall not compear and produce their Rights, to the effect, their Intereſt and Preference may be Cognoſced and Determined by your Lordſhips, that they ſhall never be heard to Quarrel and Impugn the ſaid Sale, or come in the contrary thereof, directly or indirectly, by whatſoever manner of way thereafter, in any time coming, and the ſaid Acquirer obtaining once the Decreet of Sale, and making Payment of the Price according to your Lordſhips Preference aforeſaid, he or his foreſaids, Acquirers of the ſaids Lands and Eſtate ſo Adjudged to them, ſhall no ways be affected or burdened with any other Debts, Incumbrances, or Grounds of Eviction whatſoever, that afterwards may appear, and not produced in the ſaid Roup, Sale, and Ranking. And *Laſtly*, it ought and ſhould be found and declared by your Lordſhips Decreet of Roup and Sale aforeſaid, that the ſaids reſpective Rights, to be acquired by the ſaid Purchaſer from the ſaids Creditors, upon Payment to them of what Determined to them of the ſaid Price, in the ſaid Ranking and Preference, are and ſhall be but prejudice to them of the ſaid Decreet of Roup and Sale, and Infeftments to follow thereupon, and that the ſaid Decreet and Infeftments, are, and ſhall be but prejudice to them of the ſaids other Rights, to be acquired from the Creditors, as ſaid is, and that it ſhall be ſtill leiſum and lawful, to, and in the power of the ſaid Purchaſer and his foreſaids, to make uſe of, and Bruik, Enjoy, and Poſſeſs the ſaids Lands, Baronies, and others above-ſpecified, with the Pertinents, by vertue of all, or either of the ſaids Rights, as well Conventional, as Legal, and that conjunctly or ſeverally, and as accumulative or diſtinct Rights, in their Option, and but any Innovation or Confuſion of Rights: (7) *And albeit it be of Verity*, that I am a true and lawful Creditor upon the ſaid Eſtate, by Appryſing and other Real-Rights, as ſaid is, and that the ſaid Sir I. *S.* and his ſaid deceaſt Father, were, and are Bankrupts and his ſaid Father denunced and Regiſtrat at the Horn, and the Creditors in poſſeſſion, yet can never attain

attain to payment, the Debt exceeding the value of the Eſtate, nor will the ſaid *S. J. S.* or the ſaids Creditors of themſelves conſent to a Sale; However oft and divers times deſired and required by me thereto, without they be compelled. Herefore I beſeech your Lordſhips, that I may have Summonds in the Premiſſes, as I pleaſe lybel for citeing the ſaid *S. J S.* eldeſt Son and apparant Heir to the ſaid deceaſt *S. W S.* —— and the Ceditors of the ſaid *S. J.* and *S. W. S.* and ——— the Miniſters of State, and —— Lords of the Theſaury, for His Majeſties Intereſt, as to ſuch of the ſaids other Lands and others not holden of His Majeſtie, perſonally, or at their dwelling places on twenty one days warning, and the Tutors and Curators, *&c.* Lands and Eſtate as hold of His Majeſty, and likeways —— Superiors of the and all others having or pretending to have Intereſt, *&c.* to compear before your Lordſhips, *&c.* the —— day of —, *&c.* to anſwer at my Inſtance in the ſaid matter; *That is to ſay*, the ſaids *S. J. S.* to bring with him, exhibit and produce before your Lordſhips, the haill Writs and Evidents of the ſaids Lands and Eſtate, and the ſaids Creditors thereupon, to bring with them the haill Writs, Evidents, Rights, Securities, Legal and Conventional, and Grounds of Debts and Diligences by Appryſings, Adjudications, Inhibitions, Arreſtments, or otherways, that they, their Predeceſſors, Cedents and Authors had, or have any ways burdening and affecting the ſame Lands and Eſtate, of whatſomever Dates, Tenors, Contents, Nature or Quality the ſame be of, to be ſeen and conſidered by your Lordſhips, and to hear and ſee it found and declared by your Lordſhips Decreet, that (*here take in as above from after and true it is to the Figure of* (7) with thir Alterations, *viz. in place of the words ought and ſhould be found*, ſpeak of the In-giver of the Bill in the third perſon, calling him Purſuer, and ought and ſhould be Adjudged, ought and ſhould be Decerned and Ordained, and in brief all alongſt, *to ſay in the Concluſion* to hear and ſee, *&c. and after ye come to the 7 Figure*, add after the Form and Tenor of the ſaids Acts of Parliament made anent Roup and Sale of Lands, and preference of Creditors, and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all points, or elſe to alledge a reaſonable cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find, Declare, Adjudge, Prefer and Decern in manner foreſaid, *and thereafter add a ſecond Dyet*, becauſe the Rental and Value of Lands in theſe Countries may be proven by the Defenders Oath, as well as otherways, and if by Witneſſes as the Rental muſt, and by Heretors adjacent, as the Value muſt be, however the Rental by the Tennents or other Witneſſes, the Lords will grant Diligence to Summond them, if they find juſt cauſe for Roup and Sale, and then follows according to Juſtice as ye will anſwer, *&c.* and the date of the Bill muſt be the date of the Letters, *and conclude with.*

Ex Deliberatione Dominorum Concilii.

OBSERVATIONS in the caſe of Roup and Sale.

Nota, *When this Summods of Roup and Sale is execute, called, and with the Grounds ſeen and returned, and comes in by the courſe of the Roll, the Debate will ariſe whether there be ground for a Roup and Sale, or not, the Heretor pretending that he is not Bankrupt, that the Creditors are not in Poſſeſſion, and that the intrinſick Value of the Eſtate, far exceeds the Debts, and probably may endeavour to caſt the Executions upon Nullities therein, and at times may alledge, that all Parties concerned are not called and condeſcend and the like, and upon the other hand, the Purſuer will endeavour to take off all them pretences, and by clearer*

Evidences convince the Lords of the Juſtice and neceſſity of a Roup and Sale, and as the Lords find, ſo they appoint the Sale or not, and if they find Ground for a Roup and Sale, they grant Diligence to the Purſuer to Cite the Tennents or other Witneſſes to prove the Rental, (unleſs referred to the Heretors Oath) and to cite the adjacent Heretors to prove the value of Lands in that Countrey, and when both by adviſandum *are found clearly proven, they aſſign a day for the Roup and Sale, and betwixt ſuch hours of that day, and nominats one, two or more of their Number (as the ſubject matter is of import) as Commiſſioners and Deligates* ad hunc effectum, *and grant Letters of Intimation to the Purſuer for citeing the Heritor and others concerned, at the Croſs, and Paroch-Churches where the Lands ly, and at ſix other adjacent Paroch-Kirks, which the Lords by their Act do name, in the terms of the Act of Parliament) to compear the days and hours of the Roup, and object, and make offer of a higher Price than that appointed by the Lords (which the Letters of Intimation bears expreſly) that all perſons may know the Lords Price, and conſequently what farder length they may go, and be in the greater readineſs, and if all perſons be duely cited, is an abſolute and moſt ſoveraign Security to any who love to buy an Eſtate at a true value, without taking advantage of the Heretor, and deſires to live and die in peace, and to tranſmit his Eſtate to his Children in ſafety, and without the leaſt ground of fear, for here the Wiſdom of the Legiſlators has been ſuch, as not only to lay down a ſure Foundation of a legal Conveyance, but alſo ordained the Creditors to make Conveyance of their Rights on the Eſtate in favours of the Purchaſer, and corroborative of his legal Title, and with Warrandice from each Creditor* in quantum *he receives of the Price, and obliged to deliver their Rights or judicial Tranſumpts: And ſure the Heretor by the Lords Juſtice in making a rational Price at firſt (and below which no Offer can be made) can never expect the like by any voluntar Tranſaction, and if by a Competition the laſt Offer exceed the Lords Price, it is ſtill better for the Heretor and his Creditors, and beyond all peradventure Perſons that make the greateſt Offer, do at times pay for their Fancy as well as for the Land.*

Nota, *The Lords at times, and moſt juſtly grant Commiſſion upon Application to Sheriffs, Commiſſars, and knowing Perſons, to Examine Tennents and other Witneſſes upon the Rental and Heretors adjacent to the Eſtate craved to be rouped and ſold upon the value of Lands in that Countrey, and according to the ſeveral Grains, of the Eſtate, and their Quality, whether Wheat, Barley, rough-Bear, Oats, Malt, Oate-Meal, Peiſe, Beans (and the like) or what of the Rent Silver, and what Caſualites (as Mairt and Mutton and the like) and what thereof Miln-rent, wherein they make diſtinction from the other; But in this caſe of a Commiſſion, the Purſuer muſt raiſe Letters and Diligence (relative to the whole Procedure and Commiſſion) and by vertue thereof, a Meſſenger muſt cite not only the Tennents and Witneſſes and Heretors, who are to depone upon the Rent and Value, but alſo the Heretor (whoſe Eſtate is to be expoſed to Roup and Sale,) to compear before the Judges by Commiſſion the days therein contained, or left to the Judges, that he may compear and object againſt thoſe cited to depone upon the Rent or Value, and as the Judges will proceed and make Report to the Lords (whether the Heretor compear or not) ſo the Judges by Commiſſion (if Objections be made, will tranſmit theſe Objections with the Commiſſion and Depoſitions which we call a Report) to the Lords, who determine therein as they find juſt, and thereafter the Roup and Sale has place, and the Lords nominated and*

appointed

appointed for the ſaid Roup and Sale, meet the ſaid day and hours appointed, and call all Parties, and hear all Objections, if any be, and thereafter proceed in the Roup and Sale, and he that makes the greateſt Offer (whether it be the Lords Price or more, is preferred, but after the Glaſs is run, there is no more place for any furder Offer than what made within the time, and thereafter thoſe Lords cauſe the perſon that offers moſt) ſubſcribe the Offer, and find Bail to pay the Price offered to the Creditors, as they ſhall be preferred by the Lords, with Intereſt after the Term of the Purchaſers Entry to the Eſtate, during the not payment, and a Report of all the Procedure being made to the whole Lords, and finding the ſame orderly proceeded, they ratifie and approve thereof, and interpoſe their Authority thereto, and Adjudge and Diſpone the Eſtate to the Purchaſer and his, in the terms of the Act of Parliament, and Summonds of Roup and Sale, and if any Objections be made, they diſcuſs them before extracting the Draught of which Decreet and its Formality, I leave to the Clerks, as extraneous to my Deſign.

Nota, A Perſon of Quality being deſirous to have himſelf Extricat of Debt, and having ſeveral Relations and Friends, that were Moneyed Men, entred in a Contract with them, whereby each of the Friends undertook to pay ſo many Debts due to the ſeveral Creditors therein mentioned, and to retire the Bonds betwixt and a certain day preſixed, and for which the perſon of Quality gave each of the Friends a Locality out of his Eſtate for ſome years, and which at the Termination of the years compleatly payed both Principal and Annualrents; And as all the Friends were bound to the perſon of Quality, ſo they were bound to an another as to their Liberation of each man's Proportion: And one of theſe Gentle-men haveing ſatisfied what fell to him in Proportion, ſo he retired the Bonds with Aſſignations blank in the Name, until matters were concerted, and the reſt did the like, and thereupon a mutual Diſcharge granted by all of them amongſt themſelves, and likeways by the perſon of Quality to all of them, in the terms of the Contract wherein they entered; And this Gentleman haveing casu fortuito loſt an of the Bonds he had retired, and the Aſſignation thereto, bearing a conſiderable Sum, beſides many years Annualrents, and after his deceaſe not found amongſt his Papers, his eldeſt Son obtained firſt a Declaration from the Heir and Executor of the Creditor, and thereafter upon that and other pregnant Grounds in Law, purſued a Declarator for extinguiſhing the Bond and Debt, and therein conveens not only the Repreſentatives of the Creditor, but alſo the Parties Contracters in the fore-mentioned Contract, that they might be ordained to diſcharge the Purſuer and other Repreſentatives of his Father, of the ſaid Contract and Obligements therein contained upon the Father for payment thereof, and which Summonds follows.

SUMMONDS of Declarator for extinguiſhing a Debt payed, (and the Bond, whereof and blank Aſſignation thereto amitted (casu fortuito) with a Concluſion againſt perſons (to whom a Gentleman was bound to ſatisfie the Debt, and retire the Bond) to diſcharge the Purſuer of that Clauſe of the Contract whereby his Father was bound for that effect.

TO —— Meſſengers, *&c.* Meaned and Shown to us, by *S. P. M.* of *O.* Eldeſt lawful Son to the deceaſt S. *W. M.* of *O.* and who has Right by Aſſignation and Diſpoſition from him to all Bonds, Obligations, Debts, Sums of Mony, and other Goods and Gear, Adebted and Reſting, Owing to him by whatſomever perſon, or perſons, or whereunto he had Right, or otherways pertaining and belonging to him, by whatſomever manner of way; and which Right and Diſpoſition is dated the —— day of —— 16 and —— years, and thereby, and otherways, having ſufficient good and undoubted Right and Intereſt, to proſecute, follow forth, and purſue the Action after-ſpecified, in manner, in the Terms, and for the Ends after-expreſt; That where the deceaſt *M. H.* of *G.* the ſaid deceaſt S. *W. M.* of —— *I. M.* of *S. H. M.* of *L.* and *P. M.* of *K.* by their Obligation, dated the —— day of —— and —— years, mentioning that they ſtood bound and obliged partly as Principals, and partly as Cautioners, Conjunctly and Severally, for *I. M.* of *A.* in the ſeveral Sums, therein ſpecified, to the perſons therein mentioned, his *L.* Creditors extending in the hail the ſaids Sums to —— *ſcots* Mony, and ſubſuming that, ſeing the ſaid Noble *M.* had then made real payment to, (at leaſt given to them ſufficient Security for the equivalent of the ſaid Sums, Extending in hail, as ſaid is and that to ilk one of them Severally, conform to their proportional Parts thereof, therein rehearſed, and that they thereby had undertaken to pay the ſeveral Creditors, in manner, and conform to the Diviſions therein contained, and whereof the ſaid deceaſt S. *W. M.* undertook, (including a Bond Reſting to himſelf) to pay the Sum of — Mony foreſaid, and thereof to pay the Sum of---- Mony above-written, to the deceaſt *S. H. W.* of *P.* due by his *L.* and ---- (either as Cautioners for, or Conjunct Principals with him) to him of Principal Sum by Bond; and therefore the forenamed perſons according to their ſaids Proportions, obliged them to ſatisfie the ſaids Debts, and to deliver up to the ſaid Noble *M.* his Heirs and Aſſigneys againſt the Term of *Whitſunday*, ---- years, the Bonds and Securities granted by him, for the ſaids Sums, or ſufficient Diſcharges of the ſaids Debts, and to clear off, and ſatisfie all the bygone Annualrents of the ſaids Principal Sums, preceeding *Martinmaſs*, then laſt, and thereafter, in time coming, under the Penalty therein expreſt, attour Performance, and which Bond is Regiſtrat in the Sheriff Court Books of ---- the ---- day of ---- and —— years foreſaid, as the ſame in it ſelf more fully proports; and true it is that the ſaid deceaſt S. *W. M.* of *O.* did in his own Lifetime, for Implement and Fullfilling of the ſaid Bond granted by him, and remanent perſons above-named, to the ſaid Noble *M.* in that part thereof, relating to the payment of the ſaid Debt, Reſting by his L. to the ſaid deceaſt S. *H. W.* of *P.*) make real payment to the ſaid S. *H.* of the ſaid Sum of ---- Mony foreſaid of Principal Sum, contained in the ſaid Bond granted by him to the ſaid Noble *M.* with the haill Annualrents thereof due, and contained in the ſaid deceaſt *S. W.* his Obligment aforeſaid, and thereupon Retired the ſaid Bond granted by his L. and other perſons aforeſaid to him therefore, with an Aſſignation thereof, either in the ſaid *S. W.* his own Name, or blank as to the Aſſigney, where through the ſaid Bond coming in the perſon of the ſaid S. *W.* or taken by him blank in the Aſſigneys Name, as ſaid is, & ſo delivered to him, became Extinct, and thereby the ſaid S. W his Obligment aforeſaid in Favours of the ſaid *M.* was fullfilled, however the ſaid Bond & Aſſignation by the deceaſe of the ſaid *S. W. & caſu fortuito*, be amitted & Tint; & therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, that the ſaid Bond was ſatisfied and payed to the ſaid deceaſt S. *H. W.* by the ſaid deceaſt S. *W.* M. his Means, and that by his payment, the ſaid M. and remanent perſons bound with and for him therein, are not only liberat and freed

of

of the ſaid Bond and Debt, but alſo that the ſaid deceaſt S. *W.* M. his Obligement in Favours of the ſaid M. for payment thereof was fullfilled, and the ſame being ſua found and declared, the ſaid I. M. of *A.* ought and ſhould be decerned and ordained by Decreet foreſaid, to Exoner and Diſcharge the Repreſentatives of the ſaid deceaſt *S. W.* M. of the ſame with abſolute Warrandice and other Clauſes needful, and likeways --- W. now of *P* Son and Heir to the ſaid S. H. W. to whom the ſaid Bond was granted, and the Debt therein contained due, and to whom the ſame was truely and really payed accordingly by the ſaid deceaſt S W. M. who thereupon Retired the ſaid Bond, and obtained the ſaid Aſſignation thereof from him, either in the ſaid S. W. his own perſon, or blank in the Aſſigneys Name, in manner foreſaid, for Implement and Fullfilling of his ſaid Obligment to the ſaid M. and clearing with him thereanent) ought and ſhould be decerned and ordained by Decreet foreſaid, to deſiſt and ceaſe from all Troubling, Charging, Purſuing, or any ways moleſting the Purſuer, or any of the Heirs, or other Repreſentatives of the ſaid deceaſt S. W. M. of *O.* or yet the ſaid M. and perſons above-ſpecified, bound for, and with him, or their Heirs and Executors for payment of the ſaid Principal Sum and Annualrent thereof aforeſaid, or any part of the ſame, and alſo to warrand the ſaid M. and other perſons bound for and with him as ſaid is, and their foreſaids, and the ſaid Repreſentatives of the ſaid deceaſt *S.* W. M. againſt any other Diſcharge, Aſſignation, or other Right made by the ſaid deceaſt S. *H.* W, the Creditor in prejudice of the ſaids Repreſentatives of the ſaid deceaſt S. W. M. who truely payed the Mony, or of the ſaid N. *M.* and other perſons above-named the Debitors, for whom he truely payed the ſame for Implement of the ſaid Obligment; and that conform to the Laudable Laws, and daily Practique of this our Realm heretofore, inviolablie obſerved in the like Caſes, in all points; as is alledged: *Our Will is Herefore*, and We Charge you that ye peremptorly Summond, Warn, and Charge the ſaid *I. M.* of *A.* and the ſaid —— W. now of P. Son and Heir to the ſaid deceaſt *S. H.* W. and the ſaid —— *H.* of *G.* —M: of S. *H. M.* of *L.* and —— M. of K. perſons bound for, and with the ſaid *I. M.* of *A.* in the ſaid Bond Perſonally, or at their Dwelling places one twenty one days Warning, and all others having or pretending to have Intereſt in the ſaid matter, by open Proclamation at the Mercat croſs of —— and other places needful, to compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhal happen them to be for the time, the —— day of --- if it be lawful, and failzieing thereof the next lawful day thereafter following, in the hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of the ſaid Purſuer, (as having Right by Diſpoſition and otherways) in the ſaid matter, that is to ſay, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords of Council and Seſſion, that the ſaid Bond was ſatisfied and payed to the ſaid deceaſt S. H. W. by the ſaid deceaſt *S.* W. M. his Means, and that by his payment aforeſaid, the ſaid M. and remanent perſons above-named, bound with and for him therein, are not only liberat and free of the ſaid Bond ſua granted, and Debt therein contained; but alſo that the ſaid S. W. M. his Obligment above-ſpecified in favours of the ſaid M. of *A.* for the payment thereof, was fullfilled; and the ſame being ſua found and declared, the ſaid *I. M.* of *A.* to hear and ſee himſelf decerned and ordained by Decreet foreſaid, to Exoner and Diſcharge the Repreſentatives of the ſaid deceaſt *S.* W. M. of —— of the ſame with abſolute Warrandice, and other Clauſes needful, and likeways the ſaid — W, now of P. Son and Heir to the ſaid deceaſt *S.* H. W. (to whom the ſaid Bond was granted, and the Debt therein contained due, and to whom the ſame was truely and really payed accordingly, by the ſaid deceaſt *S.* W. M. his Means, who thereupon Retired the ſaid Bond, and obtained the ſaid Aſſignation thereof

from him, either in the ſaid S. W. his own perſon, or blank in the Aſſignyes Name, in manner foreſaid, for Implement and Fullfilling of his ſaid Obligment, to the ſaid M. and clearing with him thereanent) to hear and ſee himſelf decerned and ordained by Decreet foreſaid, to deſiſt and ceaſe from all Troubling, Charging, Purſuing, or any ways moleſting the Purſuer, or any of the Heirs or Repreſentatives of the ſaid deceaſt S. W. M. of O. or yet the ſaid M and perſons above-ſpecified bound for and with him or their Heirs, and other Repreſentatives for payment of the ſaid Principal Sum and Aunualrents thereof aforeſaid, or any part of the ſame, and alſo to warrand the ſaid M. and other perſons bound for, and with him, as ſaid is, and their foreſaids, and the ſaids Repreſentatives of the ſaid S. W. M. againſt any other Diſcharge, Aſſignation or other Right made by the ſaid deceaſt S. H. W. the Creditor, in prejudice of the Repreſentatives of the ſaid deceaſt S. W. M. who truely payed the Mony, or of the ſaid Noble M. and other perſons aforeſaid (the Debitors) for whom he really payed the ſame, for Implement of the ſaid Obligment, conform to the Laudible Laws, and daily Practique of this our Realm, heretofore inviolably obſerved in the like Caſes, in all Points, or els to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders, if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and find, decern, and declare in manner foreſaid; and if the ſaids Defenders failzie, *&c.* (here take in the ſecond Dyet, and then ſay,) according to Juſtice, *&c. Given under Our Signet at* Edinburgh, *the* — *day of* — *and of Our Reign the* —— *year*, 16 ——

Needs no Bill.

SUMMONDS of Declarator L.M. *againſt* J. E. *of* B. *for extinguiſhing a pretended Bailliary and Juriſdiction claimed by the ſaid* E. *over a part of his Eſtate.*

TO, *&c.* Meſſengers, Our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, Greeting. *Our Will is*, and we charge you, that ye peremptorly Summond, Warn and Charge, our right Truſtie and well beloved Couſin and familiar Counſellor, *J. E.* of *B.* to whom, or his Predeceſſors, Cedents and Authors, the pretended Right of Heretable Bailliary, or other Juriſdiction of the Lands, Barony and others after-ſpecified; is alledged, made and granted, or reſerved in manner after-mentioned, and —— Heirs, at leaſt apparent Heirs to the ſaids Cedents and Authors, alledged Makers and Granters of the ſaids Bailliary, or other Juriſdictions, or Reſervers thereof, in manner following. *viz.* ſuch of them as are within the Kingdom, perſonally, or at their Dwelling Places on twenty one days Warning, and ſuch of them as are furth thereof, by open Proclamation at the Mercat-croſs of *Edinburgh*, and Peer and Shoar of *Leith*, on 60 days Warning, and the Tutors and Curators of ſo many of them as are Minors, if they any have for their Intereſts, and all others having, or pretending to have Intereſt in the matter under-written, by open Proclamation at the Mercat-croſs of —— and other places needful, to compear before our Lords of Council and Seſſion at *Edinburgh*, or where it ſhal happen them to be for the time, the —— day of —— if it be lawful, and failzieing thereof, the next lawful day thereafter, following, in the hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of our Right Truſty and Familiar Couſing and Counſellor, *I, L. M.* Heretable Proprietor of the Lands, Barronies, and others under-written, with the Pertinents, *viz.* (*here inſert the Lands, and then ſay*) as the Inſtrument of Seaſin granted to him thereupon, and of divers other Lands, and others therein mentioned, dated the —— day of —— 16 and years, duely Regiſtrat, conform

to

to the Act of Parliament in it ſelf more fully proports, and which Seaſin proceeds upon an Charter under the Great Seal, containing Precept of Seaſin, Dated the —— Day of —— with Priviledge of a free Baronie, Courts, and Amerciaments thereof, Herezelds, Blood-wits, Cutfang-theif, Infang-theif, Pit and Gallows, and other Priviledges contained in the ſaid Charter, as the ſame alſo in it ſelf more fully is expreſt, and als to anſwer at the Inſtance of our Truſty Counſellor, *S. G. M.* of *R.* our Advocat, for our Intereſt in the matter after-mentioned, and with whoſe Concurſe the ſaid *I. L. M.* Purſuer as Heretor foreſaid, and Inveſted with the Priviledges above-ſpecified, has ſufficient good and undoubted Right and Intereſt to Call for Exhibiton and Production of the ſaids Defenders their pretended Rights of Bailliarie, or other Juriſdictions, within the Bounds of the ſaids Lands, Baronies, and others foreſaids, and over the Heretors, Tennents, and Poſſeſſors of the ſame preſent, or to come, and to proſecute, follow forth, and Purſue the Actions of Reduction, Improbation, and Declarator thereof under-written, in manner after-rehearſed, *That is to ſay*, the ſaids Defenders to bring with them, Exhibite and Produce before our ſaids Lords of Council and Seſſion the ſaid Day and Place in the hour of Cauſe, with Continuation of days, the pretended Writs and Evidents following, *viz.* —— for the Production of the Dates, Tenors, and Contents above-ſpecified, or of whaſomever other Dates, Tenors, or Contents the ſame be of, to be ſeen & conſidered by the ſaids Lords, & to hear & ſee the ſame Reduced, Retreated, Caſed, Annulled, Decerned and Declared by their Decreet, to have been from the beginning, to be now, and in all time coming, Null, and of Non-avail, Force, Strength, and Effect, with all that has followed, or may follow thereupon; & als as being falſly Forged, Simulat, Counterfeit, Fienzied, Fabricat, made up, uſed and deviſed by the ſaids Defenders, and their ſaids Predeceſſors, Cedents, and Authors, or ane or other of them, be civilly and lawfully Improven *per Teſtes Inſertos & omni alio modo quô de jure*, and Decerned and Declared by the ſaids Lords their Decreet, to make no Faith in Judgment, nor Out-with the ſame in time coming, and the Counterfeiters, Uſers, and Deviſers thereof Cenſured and Puniſhed in their perſons, Lands and Goods, to the Terror, (and in Example of others, to Commit the like in time-coming. (6) for the Reaſons and Cauſes following, IN THE FIRST —— *here leave a Blank for the Reaſons, and then ſay*, At leaſt to hear and ſee it found and declared 7. by Decreet of our ſaids Lords, that neither the ſaid *I. L. M.* Purſuer, nor his Heirs & Succeſſors, Heretors of the ſaids Lands, Barronies, & others foreſaids comprehending as ſaid is, nor their Tennents, Poſſeſſors, & Inhabitants of the ſame preſent are to come, or any ways liable to the ſaid *J. E.* of *B.* or his Heirs or Succeſſors, their pretended Right and Juriſdiction of Heretable *B*ailliary, Forreſtry, or other Juriſdiction of, or over the ſaids Lands, Barronie, and others foreſaids, comprehending in manner above-expreſt, or to appear before them or their Deputs, and ſubſtitutes in the ſaid pretended Offices, or in the leaſt Subject for alledged Contumacy, or otherways, in any Cauſe Civil or Criminal, to their pretended Acts, *D*ecreets, and *S*entences of Court, or by vertue of their Authority, to undergo, or paſs upon Aſſyſes, or pay any Fines Penalties, Mulcts, or Amerciaments, and Eſcheats of Court, to be Inflicted and Impoſed by them, or that by any of their ſaids pretended Acts, Decreets and Sentences may ſeem to ariſe thereupon, but on the contrary, that the ſaid *I. L. M.* Purſuer, and his foreſaids, and their ſaids Tennents, Poſſeſſors, and Inhabitants of the ſaids Lands, Barronie, and others foreſaids, comprehending as ſaid is, are altogether Immune, free, and liberat therefrom, and that the ſaid Purſuer and his foreſaids, have indoubted Right by vertue of the ſaids Rights, and Infeſtments, and Laws of this Kingdom in that Caſe provided, to Judge, and keep Courts on their own Tennents, Poſſeſſors and Inhabitants

preſent & to come of the ſaids Lands, Barronie and others foreſaids and the ſame being ſua found and declared, the ſaids Defenders, and their Heirs and Succeſſors in their ſaids pretended Rights, and their Deputs and Subſtitutes in the ſaids pretended Offices, to hear and ſee themſelves Decerned and Ordained to deſiſt and ceaſe from all Keeping of Courts Civil or Criminal, upon the ſaids Lands, and Barronie, and others foreſaids, comprehending as ſaid is, Heretors, Tennents, and Poſſeſſors thereof, or upon any Living or Dwelling thereupon, and from all Citing, Conveening, Calling, or Purſuing any of the ſaids Perſons before them, either upon the ground thereof, or any other place extrinſick, and out with the Bounds of the ſamen, or by Fining, Confining Impriſoning, Diſtrenzieing, and otherways Troubling them in their perſons, Lands, or Goods, by vertue of their ſaid pretended Authority, Bailliary and Juriſdictions, by their own or their Deputs and Subſtitutes, their Acts, Decreets, and Sentences in any time coming, conform to the ſaid *I. L. M.* Purſuer, his ſaids Rights and Infeftments, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like Caſes in all points; 8. and therefore the foreſaids pretended Rights called for to be Produced --- Reduced and Improven as ſaid is, off the Dates, Tenors, and Contents above-ſpecified or of whatſomever other Dates, Tenors, or Contents the ſame be of, ought and ſhould be Reduced (*ut ſupra*) and als as being falſly Forged, Feinzied, (*ut ſupra*) ought and ſhould be civilly and lawfully Improven (*ut ſupra*) *untill you come to the* 6 *Figure, and then ſay*) for the Reaſons and Cauſes foreſaids, and others, at leaſt it ought and ſhould be found and declared (*here follow forth the Stile above-written from the* 7. *Figure, untill ye come to the* 8. *Figure*, and with this Alteration, in place of theſe words, above to hear and ſee, in the Concluſion, ſay ſtill ought and ſhould be found and declared, ought and ſhould be Decerned, and ſo furth, Inſert a ſecond Dyet, and then ſay, *According to Juſtice, &c.* The Date of the Bill muſt be the Date of the Summonds.

Ex Deliberatione Dominorum Concilii.

SUMMONDS of Declarator at the Inſtance of the Burgh of Forres *and their Vaſſals, as to their Right, Privilege and Poſſeſſion of the Salmond-Fiſhing in the Freſh-Water of* Findhorn, *againſt* J. E. *of* Murray, *who had a Fiſhing above theirs, and incroached upon the Fiſhing below.*

CHARLES, &c. To, *&c.* Meſſengers, *&c.* It is humbly meaned and ſhowen to us, be *A. F.* of —— Provoſt, *W. K.* Mr. *J. D.* and *R. D.* Fiar of *B.* Baillies, and remanent Council and Community of our Burgh of *Forres*; Heretable Proprietars of the Fiſhings under-written, and *M. D.* of *G. N. D.* Fiar thereof his Son: *T. U.* of *B.* Mr. *S. F.* of *K. T. T.* of *I. J. D.* of *B.* and the ſaid *A. F.* Feuars and Vaſſals to the ſaids Provoſt and Baillies, Council and Community of Our ſaid Burgh of *Forres*, of the Fiſhings under-written; That where the Provoſt, Baillies, Council and Community of our ſaid Burgh of *Forres*, are duely and heretably Infeft and Seaſed, in all and hail Seven ſixteen Parts of the Salmond-Fiſhings, upon the Freſh-Water of *Findhorn*, and a Net commonly call a *Seath-Net*, in the ſaid Freſh-Water; as the Infeftment and Seaſine thereof made to them and their Predeceſſors thereupon at more length bears: By vertue whereof, the ſaids Provoſt, Baillies, Council and Community of the ſaid Burgh of *Forres*, and there Feuars and Vaſſals foreſaids, have good and undoubted Right to the ſaids Salmond-Fiſhings on the ſaid Water of *Findhorn*, above-written. Likeas, they and their Predeceſſors, and their Vaſſals, Feuars, Tennents, and others in their names, are, and

and have been in the continual and peaceable Poſſeſſion of the ſaids Salmond-Fiſhings, on the ſaid Water of *Findhorn*, on both the ſides thereof, by taking and ſlaying of the Salmond-Fiſhes thereof, and therein; with Nets and Cobils, and all other Forms and manner of Engines, neceſſar and requiſite for labouring of the ſaids Salmond-Fiſhings, and taking of the Salmond-Fiſhes thereof, Uſing and Diſponing upon the ſame: and by making and bigging of Sichts, and making of Foords, by caſting of Grummel and ſmall ſtones upon, and in the Foordheads; erecting of the Ground under the Water to make the ſaids Foords run ſhald, and the Pools above the ſaids Foords to be more deep, to make the Fiſhes kyth above the ſaids Foords, for the more Commodious taking and ſlaying of the ſaid Salmond-Fiſhes; And without the whilks Sichts being made in manner foreſaid, the ſaids Fiſhes can never be taken and ſlain. Likeas the ſaids Purſuers and their Predeceſſors, and other Heretors of the Lands adjacent to the ſaid Water, has been in continual Poſſeſſion and uſe in all time bygone, to put in Scrends & Streams, after that the Spaits by Inundation, had made the ſaid Water to overflow the Bank; and thereby has been in poſſeſſion & uſe to make the Water run in a Troch, as well for preſerving the Lands where the Water overflows, as for the Commodious ſlaying of the ſaid Salmond-Fiſhes in all time bygone, but Stop, Trouble or Impediment; whilk of late, That our right Truſtie Couſin *J. E.* of *M.* Lord *D.* and *A. &c.* who hath a Salmond-Fiſhing on the ſaid Water of *Findhorn*, Two or three Miles above the Salmond-Fiſhing aforeſaid, by himſelf, his Friends, Baillies, Chamberlanes, and others in his Name, of his cauſing command, ſending and Hounding out, and be Convocating and gathering together Multitudes of People, hath made Novation, ſtopped, hindered and Impeded, and dayly ſtops, hinders and Impedes the ſaids Purſuers, their Vaſſals, Feuars, Tennents and Poſſeſſors of the ſaid Salmond-Fiſhings, and their Servants in the peaceable Poſſeſſion of their ſaid Salmond-Fiſhings above-written; and in bigging and making of Sichts in the Foords of the ſaid Water, to the Effect above-mentioned: And to put in Scrends and Streams, and to make the Water run in one, as the ſaids Purſuers and their Predeceſſors, and their Vaſſals, Feuars, Tennents, Servants, and others in their Names have been in uſe to do, in all time bygone; Notwithſtanding, that our ſaid right Truſty Couſin *J. E.* of *M.* in his Salmond-Fiſhing above-written, take all kind of Liberty to himſelf, and uſes all kind of Engines to make his Fiſhes kyth and appear, that they may the more commodiouſly be ſlain; and ſpecially makes Cruives Athort the Water, uſes them ſo long as they are Commodious for him: as alſo, uſes to ſlay Fiſhes with Clipps, Water Speirs, Lyft-Nets, Hang-Nets, Water-Claiths, Hecks, Athort the Water, and many other uncouth Engines, never in uſe of before; whereby, neither Fiſhes are ſuffered to return, nor yet to remain in places uſed, to be the Brood and Mother of the Water, as they had wont to do before theſe new Inventions. And albeit it be of Verity, that the ſaids Purſuers have oft and diverſe times, required our ſaid right Truſty Couſin *J. E.* of *M.* who is only Infeft in a Fiſhing within the Earldom of *Murray*, (and the ſaids Purſuers have nothing to do within the ſaid Earldom, in ſo far as concerns their ſaid Fiſhing above-expreſt) to Deſiſt and Ceaſe, from all ſtopping, troubling or Impeding of them, their Vaſſals, Feuars, Tennents, and Poſſeſſors of the ſaid Salmond-Fiſhings, and their Servants, in the peaceable Poſſeſſion of their ſaid Salmond-Fiſhings above rehearſed; and in bigging and making of Sichts and Foords in the ſaid Water, to the Effect above-narrated: and to put in Scrends and Streams, and to make the Water run in one in time coming, as in time bygone: It being the Cuſtome of all the Waters in the North, as *Connan*, *Neſs*, *Bewlie*, *Dovern*, and others; to uſe all ſuch Engines, Works, and others, to ſlay, and make their Fiſhings commodious: And that likeways, our ſaid

right Truſty Couſin himſelf, whoſe Fiſhing upon the ſaid Water of *Findhorn*, is above the ſaids Purſuers Fiſhings; And als the Heretors (who are many) of the Fiſhings beneath, and betwixt the ſaids Purſuers Fiſhings and the Sea: And in like manner, diverſe Heretors who have *Salmond*-Fiſhing above our ſaid right Truſty Couſin his Fiſhing, as the Water caſts; yearly make, and uſe all Engines and Works, to make the ſaid Fiſhings Commodicus and Profitable: Yet notwithſtanding our ſaid right Truſty Couſin *J. E.* of *M.* wrongouſly Refuſes, Poſtpones, and defers to Deſiſt and ceaſe from all ſtopping, troubling or Impeding of the ſaids *Purſuers*, their Vaſſals, Feuars, Tennents and *Poſſeſſors* of the ſaids *Salmond*-Fiſhings, and their *Servants*, in their peaceable Poſſeſſion of their ſaids *Salmond*-Fiſhings above-written; and in bigging and making of *Sichts* and Foords in the ſaid Water, to the Effect foreſaid; and to put in *Scrends* and *Streams*, and to make the Water run in one in time coming, as in time bygone, without he be Compelled; And that Declarator be given thereanent, in manner under-written, as is alledged. *Our Will is herefore*, and We Charge you, that ye peremptorly Summond, Warn and Charge our ſaid right Truſty Couſin *J. E.* of *M.* Perſonally, or at his Dwelling-place on 21 Days warning, and all others, *&c.* To Compear before our Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the ---day of ---if it be lawful; and failzeing thereof, the next lawful day thereafter following; in the Hour of Cauſe with continuation of days, to Anſwer at the Inſtance of the ſaids Purſuers, in the ſaid matter: That is to ſay, our ſaids right Truſty Couſin *J. E.* of *M.* to hear and ſee it found and Declared, by Decreet of our ſaids Lords, That the ſaids Purſuers, have good and undoubted Right to the ſaids Salmond-Fiſhings, in the ſaid Water of *Findhorn* above-mentioned; and to work and labour the ſame, with all Engines requiſite for taking and ſlaying of the Salmond-Fiſhes being therein; and to make and big Sichts and Foords in the ſaid Water, to the effect above-written; and als to put in the Scrends and Streams, and to make the ſaid Water run in one, at all times and on all Occaſions, alſwell in time coming, as in time bygone; and that our ſaid right Truſty Couſin *J. E.* of *M.* has no Right nor Intereſt to Impede the ſaids Purſuers therein, and that he has done wrong in Impeding them therein in time bygone: And therefore, to hear and ſee himſelf Decerned by the ſaid Decreet, to deſiſt and Ceaſe, from all ſtopping, troubling or Impeding them, their Vaſſals, Feuars, Tackſmen, Tennents and Servants, in the peaceable Poſſeſſion of the ſaids Salmond-Fiſhings above-written; and in bigging and making of Sichts and Foords in the ſaid Water, to the effect above expreſt: and to put in Scrends and Streams, and to make the Water run in one in time coming, as in time bygone; Conform to the ſaids Purſuers Infefiments and Rights, Laws and Practique of this our Realm in all Points. (*This Summonds contains a ſecond Dyet, becauſe of ſeveral Points neceſſary to be proven otherways than by Writ, and is on ſix days according to Juſtice.*) And for the Coſts and Skeaths, *&c.* As ye will Anſwer to us thereupon, *&c.*

Given under Our Signet at Edinburgh, *the* 15 *day of* May, *and of Our Reign* 13 *year.* 1637.

SUMMONDS

SUMMONDS at a Minors inſtance before the Exchequer, againſt her neareſt of Kin on the Father and Mother ſide, to hear and ſee a Tutor given to her by the King and Exchequer; the Father having nominat none, or the Mother being left Tutrix, loſt the ſame by her after Marriage.

CHARLES, *&c.* To our Lovits, *&c.* Forſuameikle, as it is humbly meant and ſhowen to Us by *J. A.* only lawful Daughter to the deceaſt *A. A.* Brewer in —— Procreat betwixt him and *J. R.* his Spouſe: That where the ſaid deceaſt *A. A.* Nominat the ſaid *J. R.* his Spouſe, Tutrix to the ſaid Purſuer: But ſhe afterwards Marrying, by the Law loſt the Benefit of the ſaid Tutory: neither has the neareſt on the Fathers ſide, challenged his Right in Law within year and day of the ſaid Marriage, or ſince now by the ſpace of ——; ſo that the Power and Right of Nomination of Tutors one or moe to the ſaid *J. A.* for governing her and her Affairs, and Means and Eſtate, purſuing and defending of all Actions; leſt her Means and Eſtate Accruing and belonging to her, or that hereafter ſhall fall, appertain, and belong to her by Deceaſe of *J. A.* her Uncle, *J. M.* her Grandmother, the deceaſt *A. A.* elder, Malt man in *L.* her Grandfather, or others to whom ſhe has or may ſucceed, is now Vacant in Our hand by the Right and Priviledge of our Crown: And in reſpect We are to Nominat and Appoint ſome Perſon Tutor to the ſaid Purſuer, to the Effect foreſaid; And that by the Laws and Practique of this Our Realm, it is neceſſar that two neareſt of Kin on the Fathers ſide, and two neareſt of Kin on the Mothers ſide, be Conveened before any ſuch Nomination, in manner under-written, as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge *A. B.* ——, and —— *G. B.* two of the neareſt of Kin on the Fathers ſide, and —— *R.* in —— and —— *B.* two of the neareſt of Kin on the Mothers ſide, to the ſaid Purſuer perſonally, or at their Dwelling-places on 21 days warning; to Compear before the Lords of our Theſaury and Exchequer at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— if it be lawful; and failzieing thereof, the next lawful day thereafter following, in the Hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid Matter; That is to ſay, the ſaids Defenders to hear and ſee a Tutor, one or moe Nominat, and given to the ſaid Purſuer by us, and the Lords Commiſſioners of our Theſaury and Exchequer, in our Name, and under our Quarter-Seal, in due and competent Form; for managing and governing her and her Affairs, Means and Eſtate belonging, or that ſhall happen to fall, appertain and belong to her in manner foreſaid; and for purſuing and defending of all Actions and Cauſes competent to her, or that is, or may be purſued againſt her by any perſon or perſons; and Caution taken for his faithful Adminiſtration, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done; with Certification to them if they failzie, We and the ſaids Lords of our Theſaury and Exchequer, will Proceed in the ſaid Matter, and Nominat and give Tutors one or more to the ſaid Purſuer, to the Effect foreſaid; Conform to the Laws and dayly Practique of this our Kingdom, in all Points according Juſtice, as ye will anſwer, *&c.*

Needs no Bill.

Nota, *Ye will find another Summonds of this nature*, Page 270 *and choiſe which of the Stiles ye will, but both are formal.*

SUMMONDS of Liquidation of Tithes, at the Inſtance of an Adjudger of the Patronadge and Teiths againſt the Appeirant Heir, it alſo Includes Dammage, and a Compenſation of a Debt, and payment of the Ballance

CHARLES, *&c.* Meſſengers, *&c.* to us by S. *L. G.* of *G.* Aſſigney after-ſpecified, that where by an Minut of Contract made and paſt betwixt the deceaſt Sir *R. G.* on the one part, and the deceaſt *J. J.* on the other part, of the Date, the —— day of —— the ſaid deceaſt *J. J.* Band and Obliged him, his Heirs and Succeſſors, to purchaſe and obtain himſelf on his own Expenſes, Served as neareſt and lawful Heir to Umquhile *A. I.* his Father, and Retour the ſame, before the —— day of —— then nixt to come, and being ſua Served, he then as if the ſamen were already done, Diſponed to the ſaid deceaſt Sir *R. G.* his Heirs-male and Aſſigneys, the Advocation, Donation, and Right of Patronadge of the Paroch-church of —— and —— the Parſonage, and Viccarage Teinds thereof, and other Rents thereto belonging within the Regality of —— and Dioceſs of —— and obliged him to Infeft the ſaid Sir *R. G.* and his foreſaids therein, by double Infeftments to be holden, and with Warrandice, in manner ſpecified in the ſaid Minut, and his Entrie to be to the ſaids Parſonage and Viccarage, Teinds of the Cropt —— and to the Uplifting of the Teind, Silver Addebted by ſuch as were alledged, to have Tack following from —— Theaſurer of —— at the Terms of payment, contained in the Tacks of the Cropt foreſaid, and als band and obliged him to do no Hurt or prejudice to the foreſaid Minut, and other Securities to follow thereupon, by making of any other Diſpoſition of the ſaid Patronage or Teinds, nor to Ratifie or Approve of any Aſſignation alledged, then made by the ſaid —— without the ſaid Sir R. his Conſent had thereto in Writ, under the pain of —— by and attour, the Nullifieing, and Anihilating of ſuch Diſpoſitions and Ratifications as ſhould be ſua made, attour, for the ſaid *S. R. G.* his Strengthning the ſaid Right of Patronage and Teinds, the ſaid deceaſt *J. J.* band and obliged him and his foreſaids, to deliver up to the ſaid *S. R.* and his foreſaids, all Infeftments, Charters, Precepts, Inſtruments of Seaſin, Procuratories of Reſignation, and Inſtruments following thereupon, with the Lords *Decreet* upon the Plantation of the ſaids Kirks, and Proviſion of their Stipend, of the Quantity, and in the Quality mentioned in the ſaid Minut, and other Evidents and Securities whatſomever he had thereunto, and Informations thereanent, together with the Extract of his Retour, as Heir to his ſaid *Father*, with the Precept and Seaſin following thereupon, at the Ending and Subſcribing of the Contract, to be Extended on the ſaid Minut, to be thereafter Keeped by the ſaid *S. R.* as his own proper Evidents, and to Transfer his Right thereof, ſua far as was Tranſmiſsable in the perſon of the ſaid S. R. for ever, and both Parties obliged them to Conveen, and Cauſe an indifferent man of Judgment to Extend the Contract to follow upon the ſaid *Minut*, and all other Securities neceſſar, before the — day of —— then next, and if the ſaid *J. J.* was able to do any good in Fortifying the ſaids Rights, he obliged him to do the ſame when required thereto, with Warrandice from his own, and Fathers *Deeds*, and becauſe the ſaid — Set Tacks to ſeveral perſons for the years to Run, of the Parſonage and Viccarage Teinds of the Lands of —— and others pertaining to the ſaid S. R. and *Diſponed* to him by the Heretors thereof for the time, as alſo Set Tacks of Teinds of divers other Lands within the ſaids Parochins to other perſons, Therefore the ſaid *J. J.* obliged him to Ratifie the foreſaids Tacks of the ſaid *S.* R. his own Lands Acquired by him, as ſaid is, or

of

of any other Lands of his within the ſame, as alſo to grant Heretable Diſpoſitions of the ſaids Patronage, Teinds, Rents, and others above ſpecified, and of his Lands of —— to the ſaid S. *R.* by Advice of Men of Judgment at the time above-mentioned, and for that Effect to Purchaſe and Procure himſelf Entered, Served, Retoured and Inſeſt in the ſaid Town, and Lands of — lyand within the Sheriffdom of —— als well as in the foreſaid Advocation, *Donation*, and Right of Patronage of the ſaids Paroch-Kirks of —— and Parſonage, and Viccarage Teinds thereof, and that before the ſaid — day of —— then next, and farder the ſaid deceaſt *J. J.* obliged him and his foreſaids, to Produce and Deliver to the ſaid *S. R.* an Legal Progreſs of Writs, in manner ſpecified in the ſaid Minut, and for the which Cauſes, the ſaid *S. R.* obliged him to pay to the ſaid *J, J,* his Heirs and Aſſignyes, the Sum of — *Scots* Mony at the Term therein ſpecified, with Annualrent thereafter, during the not Payment upon the ſaid *J. J.* and his foreſaids, their Performance of the ſaid *J. J.* his part of the ſaid Minut, and both Parties obliged them to Perform the ſaid Minut to one another, betwixt and the ſaid day, under the pain of —— Mony foreſaid, to be payed by the Party Failzier, to the Party Obſerver, or willing to obſerve the ſame in Name of Liquidat Penalty, in Caſe of Failzie; and that by and attour performance of the Premiſſes, and together therewith, likeas the ſaid S. *R. G.* by his Aſſignation, Dated the ---- day of ---- ---- years Conſtitute, the ſaid Purſuer his Aſſigney, in to the ſaid Minut of Contract, haill Heads, Obligments, Articles, Clauſes and Penalty therein contained with all that followed, or might follow thereupon, as the ſaid Minut of Contract and Aſſignation thereof aforeſaid, in themſelves more fully proport, whereupon the ſaid Purſuer as Aſſigney foreſaid, Raiſed Summonds, and Intented Action at his Inſtance, before our Lords of Council and Seſſion, againſt M. *J. J.* now of — as Son and Heir Served and Retoured to the ſaid deceaſt *J. J.* and upon the remanent Paſſive Titles, for Implement of the ſaid Minut, and which Summonds and Action being oft and divers times Called in preſence of the ſaids Lords, and laſt of all upon the ---- day of --- --- years, they by their Decreet then given and pronuned by them in the ſaid matter, (for the Cauſes therein ſpecified, *& parte comparente*) decerned and ordained the ſaid M. *J. J.* as lawfully Charged to Enter Heir to the ſaid deceaſt *J. J.* his Father, and as behaving himſelf as Heir to him, to Fullfill and Perform to the ſaid Purſuer as Aſſigney foreſaid, the ſaid Minut of Contract in the haill Heads, Obligments, Clauſes and Conditions thereof, in ſua far as his ſaid deceaſt Father ſtood any ways obliged thereby, and for that Effect to Extend the ſame in ample Form by Advice foreſaid, and to Infeft and Seaſe the ſaid Purſuer as Aſſigney foreſaid, in the ſaids Patronages, Teinds, and others above-mentioned therein contained by double Infeftments to be holden, with Warrandice as ſaid is, and to Ratifie and Approve the ſaids Tacks and Rights of the ſaid deceaſt S. *R G.* his own Lands pertaining Heretably to the ſaid Purſuer, and to Deliver to him an ſufficient Progreſs of Writs, and to obtain himſelf Served, Retoured and Infeft as Heir in Special to his ſaid deceaſt Father, and the ſaid deceaſt *A. J.* his Grandfather, in the ſaids Patronages, Teinds, and others contained in the ſaid Minut, or to ane or other of them who died laſt veſt and Seaſed therein, and likeways to make Payment to the ſaid Purſuer, of the foreſaid Penalty therein mentioned, after the Form and Tenor of the ſaid Minut of Contract and Aſſignation made to the Purſuer, in all Points, in manner ſpecified in the ſaid Decreet, whereupon the ſaid Purſuer Raiſed not only Letters of Horning, and by vertue thereof cauſed Charge the ſaid M. *J. J.* to Fullfill to him the ſaid Minut, and for his Diſobedience Denunced him to, and Regiſtrat him at the Horn, and thereupon Caption likeways followed, but alſo Raiſed Letters of Special Charge and by vertue whereof cauſed Charge him to Enter Heir in Special to his

deceaſt Father and Grand-father, in the ſaids Lands, Teinds, Patronages, and others mentioned in the ſaid Minut, at leaſt to one or other of them who died laſt veſt and Seaſed therein, within fourty days conform to the Act of Parliament *ad hunc effectum*, that he might be in Capacity to Fullfill the ſaid Minut, and to which Charge no Obedience was given, where-through, and upon the Accompt the ſaid Purſuer had done, and uſed all Diligence of the Law Incumbent, without any Performance, he therefore Raiſed Summonds, and Intented Action of Adjudication at his Inſtance, Founded upon, and Relative to the haill grounds aforeſaid, againſt the ſaid M. *J. J.* before the ſaids Lords, and upon the ---- day of ---- years, obtained Decreet in the ſaid matter, Adjudging, Decerning and Declaring the Heretable, Irredeemable, and indoubted Right of the ſaids Lands of ---- with the Advocation, Donation, and Right of Patronage of the ſaid Paroch-kirks of --- and Parſonage, and Viccarage Teinds thereof, and other Rents thereto belonging, lyand as ſaid is, and haill Benefit of the ſame, of the Cropt and year of GOD --- years, and haill Terms thereof, and yearly and Termly ſenſyne, and in all time coming, and all Priviledges of Preſentation of Miniſters, Parſons and others to the ſaids Kirks of --- Setting and Granting of Tacks of the Teinds, Parſonage and Viccarage thereof, Reduceing, Quarreling and Impugning of all former Tacks, Granted to any perſon or perſons of the ſame, or other Rights conceived in their Favours, by Infeftment, Decreet of Plat, Prorogation or otherways, together with all other Priviledges of the Law due to a Patron, and Standing in the perſons of the ſaids deceaſt *J.* and *A. J.* or ane or other of them, or that was or might be competent to the ſaid M. *J. J.* if he were duely and lawfully Served, Retoured and Infeft as Heir in Special to them, or ane or other of them, who died laſt veſt and Seaſed in the ſaids Lands, Right of Patronage, Teinds, and others above ſpecified, with the Pertinents together alſo with the haill Contracts, Diſpoſitions, Charters, Seaſins, Infeftments, and other Rights and Securities of the ſame, competent to the ſaids deceaſt *A.* and *J.* or that might be competent to the ſaid M. *J. J.* if he were Entered, Retoured and Infeft as Heir in Special to them, as ſaid is, and all Action, Purſuit and Inſtance, competent, or that might be competent thereupon, with all that followed or might follow upon the ſame, to pertain and belong to the ſaid Purſuer his Heirs-male and Aſſigneys, to be peaceably Poſſeſſed, Bruiked, Enjoyed, Uſed, and Diſponed upon by them as their own proper Heretage and indoubted Rights of Patronages and Teinds, Heretably and Irredeemably thereafter in all time coming, and the ſaids Lords ordained them to be Heretably Infeft and Seaſed therein, and the Director of our Chancellary to Emit and Direct furth Precepts under Our Quarter-ſeal, for that Effect, in manner ſpecified in the ſaid Decreet of Adjudication, conform whereunto, an Precept Direct thereupon accordingly under our ſaid Quarter-ſeal, the ſaid Purſuer was upon the — day of ---- lawfully Infeft therein, as the ſaid Decreet, Precept, and Inſtrument of Seaſin following thereupon, duely Regiſtrat, conform to the Act of Parliament in themſelves more copiouſly is comprehended, and true it is that if the ſaid deceaſt *J. J.* had Fullfilled the ſaid Minut of Contract to the ſaid deceaſt S. *R. G.* Author to the ſaid Purſuer in manner and at the time above-expreſt, he, (and conſequently the ſaid Purſuer as his Aſſigney) would have made of the ſaids Teinds, Parſonage and Viccarage, the ſaid Cropt —— years, (being the time of his Entrie thereto, and ſo thereby declared) and yearly ſenſyne, the Sums of Mony after-ſpecified, *viz.* (*here leave blank for half a ſheet*, and then ſay) and to which the ſame ought to be Liquidat by the ſaids Lords as Dammage and Intereſt Suſtained by the ſaid Purſuer and his ſaid Author, through the ſaid deceaſe J. J. his not fullfilling of the ſaid Minut of Contract as ſaid is, Extending in the haill the ſaids Reſpective Sums, and during the years aforeſaid, now by the ſpace of --- years, to

the

the Sum of —— and ſicklike the ſaid deceaſt J. J. was otherways Addebted to the ſaid deceaſt S. *R. G.* in the Sums of Mony after mentioned, in manner and for the Cauſes after-expreſt, *viz.* (*here leave blank for half a ſheet,* to Libel the Debts, and then ſay (and to which Sums the ſaid Purſuer has alſo Right from the ſaid deceaſt Sir *R. G.* by vertue of the former Aſſignation, and which Sums Extend in the haill to —— Mony foreſaid, where-through, and by the other Sum above-written due to the ſaid Purſuer, upon the Accompt of the ſaids Teinds Extending both to the Sum of — Mony foreſaid, the foreſaid Sum that was due by the ſaid deceaſt *Sir R. G.* to the ſaid deceaſt *J. J* now of —— by vertue of the ſaid Minut of Contract and Intereſt thereof, Extending in the haill at the Term of —— to the Sum of —— will not only be Satisfied and Compenſed, but alſo and by Ballance, the ſaid Maſter *J.* J. now of —— *nominibus paſſivis ſupra ſcriptis*, or ane or other of them will be Debitor to the ſaid Purſuer in the Sum of — Mony above-written, over and above the ſaid Compenſation; and albeit it be of verity, that the ſaid Purſuer is willing to Compenſe *pro tanto* of the ſaid Debt Reſting by the ſaid deceaſt *Sir R. G.* and to accept of the *ſuperplus* due by Ballance as ſaid is, & that he has oft and divers times deſired & required the ſaid Maſter J. J. as Heir Served and Retoured to the ſaid deceaſt J. J. his Father, (here Libel all the other paſſive Titles, *& then ſay*) to have compenſed & Allowed the foreſaid Sum due by the ſaid deceaſt *Sir R. G.* 6. to his ſaid deceaſt Father, by the ſaid Minut of Contract in the firſt end of the foreſaid Sums due to the ſaid Purſuer and his ſaid Cedent, upon the Accompt of the ſaids Teinds and otherways in manner above-expreſt; and for that Effect validly to Exoner and Diſcharge the Heirs, Executors, and other Repreſentatives of the ſaid deceaſt Sir R. *G.* of the ſaids Sums, as being ſatisfied by Allowance and Compenſation as ſaid is, and with abſolute Warrandice, and likeways to have made payment to him, as having Right in manner foreſaid of the *ſuperplus* of the ſaid Sums due for and upon the Accompt of the ſaids Teinds, and otherways, in manner above-rehearſed, attour the ſaid Compenſation, Extending the ſaid *ſuperplus* or Ballance as ſaid is, with the Annualrent thereof in time coming during the not payment; and ſicklike to make Payment to him of the Value of the ſaids Teinds yearly in time coming, ay and while the ſaid Purſuer attain to the peaceable Poſſeſſion thereof, and Intromiſſion with the ſame conform to, and in the Terms of the ſaid Minut of Contract, Extending the Value of the ſaids Teinds yearly, in manner above-*exprimit*, after the Form and Tenor of the ſaid Minut of Contract, Aſſignation thereof, Decreet of Adjudication above-ſpecified, Seaſin following thereupon, *Laws* and daily Practique of this our Realm, heretofore inviolably obſerved in the like Caſes in all points: *Neuertheleſs*, the ſaid Maſter J. J. Defender wrongouſly refuſes, Poſtpons and Defers to do the ſame without he be compelled, as is alledged. *Our Will is Herefore*, and We Charge you that ye lawfully Summond, Warn and Charge the ſaid Mr. J. J. *nominibus paſſivis quibus ſupra*, perſonally, or at his Dwelling place on twenty one days Warning, to compear, *&c*, (*here follow forth the Style*) to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *That is to ſay*, the ſaid Defender upon the paſſive Titles above-ſpecified or an or other of them to hear and ſee himſelf Decerned by Decreet of the ſaids *Lords* to Compenſe and Allow the foreſaid Sums due by the ſaid deceaſt Sir R. G. (*here Conclude* the Summonds according to the former Subſumption *in terminis* from the Figure of 6) untill ye come to *Neuertheleſs, and then ſay*) or els to alledge an reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaid Defender, if he faiſzie, our ſaids Lords will proceed in the ſaid matter, and decern therein in manner foreſaid.

Nota, *This Summonds muſt contain a ſecond Dyet; Becauſe albeit founded in Writ, yet the Value of the Teinds and yearly Prices thereof muſt be Proven by Oath of the Defender, or Witneſs which is the Ground of the Lords Liquidation, and makes a clear Conſtitution of the Debt.*

SUMMONDS at the Inſtance of a Superior againſt an Vaſſal for not paying of his Service and yearly Duty, which by the Infeftment is by way of Annualrent, containing Liquidation of the Service and Payment of both, and a Poinding of the Ground.

CHARLES *&c.* To —— our Sheriffs in that part, and Meſſengers *reſpective, &c*, Meant and Shown to us by *A. C.* of *D.* that where the ſaid Purſuer ſtands Heretably Infeft and Seaſed in all and haill an Annualrent of Five Merk *ſcots* Mony yearly to be Uplifted and Taken at two Terms in the year, *Whitſunday* and *Martinmaſs*, by equal Portions, together with a dozen of Poultry and twenty Load of Turffs to be Led of the Purſuers own Turffs, and one nights Meat for himſef, Horſe and Servants furth of the Lands of —— and half of the Miln of —— Multures and Sequels thereof pertaining Heretably to *A. W.* of *C.* lying within the Liberties of the Burgh of *C.* and of old Diſponed by the Purſuers Predeceſſors, to the ſaid *A. W.* his Predeceſſors, to be holden of our moſt Royal Progenitors Kings of *Scotland in libero Burgagio*, for Service of Burgh uſed and wont, and for payment to the ſaid Burgh of *C.* of Ten Shilling *Scots*, and als for payment to the Purſuers Predeceſſors, and their Succeſſors of the foreſaid Annualrent a Dozen of Pultrie, the Leading of the ſaid twenty Load of Turffs of the ſaid Purſuers Predeceſſors and their Succeſſors, and of the foreſaid nights Meat, as the Inſtrument of Seaſin granted to the ſaid Purſuer thereupon, dated the 21 day of *March*, 1629 years, in it ſelf more fully proports, Likeas *J. W.* Heir by Progreſs Served and Retoured, at leaſt Succeſſor to the ſaid *A. W.* and Heretor of the ſaids Lands, Miln, and others foreſaids, by his Obligation Dated the 18 day of *July*, 1633 years, (*Relative to the foreſaid original Vendition*) Band and obliged him and his Heirs (in the moſt ſure Form of Obligation) to Rid and Serve with the deceaſt *A. C.* Burges of *C.* and his Heirs in all Affairs and Negotiations lawful and honeſt, als oft and how oft he and his foreſaids were lawfully required thereto by the ſaid *A. C.* and his foreſaids, and alſo obliged him and his foreſaids to make payment to the ſaid deceaſt *A. C.* and his above-written, of the foreſaids Duties, and Perform the other Services and Preſtrations contained in the ſaid original Infeftment and Vendition, as the ſaid Obligation of the Date foreſaid, in it ſelf alſo more fully is contained, and to which Obligation the Purſuer has Right as Heir by Progreſs, to the ſaid deceaſt *A. C.* als well as by vertue of his ſaid Infeftment: And albeit it be of veritie, that the ſaid Purſuer as he who ſtands Infeft as ſaid is, And als as Heir by Progreſs to the ſaid deceaſt *A. C.* (in whoſe favours the foreſaid Bond of Service and following was conceived, as ſaid is) has oft and diverſe times deſired and required the ſaid *A. W.* now Heretor of the ſaids Lands and half Milne aforeſaid, to have made Payment to him of the foreſaid Annualrent of five Merks; as alſo of the foreſaid dozen of Poultrie, or four ſhilling *Scots* for ilk ane of them as the price thereof; and of ſix ſhilling *Scots* for ilk ane of the foreſaids Loads of Turfs unled by him and his Predeceſſors, to the ſaid Purſuer and his Predeceſſors, as the value and price of the ſame; and of the Sum of twelve pound *Scots* for the ſaid nights Meat, and as the value and price thereof, and that yearly and ilk year, the

the Years of God 1625, (*here all the years after until the Year* 1684, *were Libelled.*) And likeways, to make payment to the said Purſuer of the ſaid Annualrent and nights Meat, with the ſaid Poultrie; and to lead the ſaid twenty Loads of Turfs of the Purſuers Turfs, or elſe make payment to him of the like value and prices as above-ſpecified, yearly, in time coming: And in like manner, to make payment to him of the Sum of fourty pound *Scots* yearly, and ilk year the ſaids years of Damnage and Prejudice ſuſtained by the ſaid Purſuer, through the ſaid *A. W.* his not riding with, and ſerving of the ſaid Purſuer, and the ſaid deceaſt *A. C.* his Predeceſſor, in manner above-mentioned, being yearly required thereto; and of the like Sum yearly in all time coming, in caſe he failzie, and not rid with and ſerve the Purſuer, being required to the ſame in manner foreſaid. Nevertheleſs he not only refuſes, Poſtpones and Defers to do the ſame; but alſo will not allow a Liquidation of the ſaid Poultrie, leading of the ſaids Turfs, nights Meat and Perſonal-ſervice; or a Poinding of the Ground therefore, contrare to all Law, without he be compelled. Wherefore neceſſar it is for the ſaid Purſuer, to have thir our Summonds direct at his Inſtance againſt the ſaid Defender, in manner and to the effect under-written, Conform to the Purſuers Right aforeſaid, Laws and Practique of this Kingdom, uſed and obſerved in the like caſes, in all Points as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the ſaid Defender, *&c.* on 21 days warning, to Compear, *&c.* (*Here follow forth the ordinar Stile.*) To anſwer at the Inſtance of the ſaid Purſuer in the ſaid Matter; *That is to ſay* the ſaid Defender, to hear and ſee the Premiſſes ſufficiently Verified, and proven to be of Verity: and the ſaid Poultrie, Loads of Turfs, nights Meat, Perſonal-ſervice, and following; not only Liquidat by the ſaids Lords their Decreet, to the value and prices above-ſpecified for the bygone years; but alſo to the like value and Prices yearly in time coming, when not payed, led, given and performed as ſaid is: And the ſame being ſua verified and proven, and liquidat in manner foreſaid; the ſaid Defender to hear and ſee himſelf Decerned by Decreet foreſaid, to make payment to the ſaid Purſuer, of the foreſaid Sum of five Merks of Annualrent; as alſo of the foreſaid dozen of Poultrie, or price thereof above-ſpecified; and of the ſaid ſix ſhilling *Scots* for ilk ane of the foreſaid Loads of Turfs unled, as ſaid is; and of the ſaid Sum of twelve pound *Scots* for the ſaid nights Meat; and of the ſaid Sum of fourty pounds Money foreſaid of Damnage and Prejudice, ſuſtained by him through the ſaid *A. W.* his not riding with, and ſerving of the ſaid Purſuer in manner foreſaid; and all of the ſaids particulars yearly, and ilk year the year of God above-mentioned: And in like manner the ſaid Defender, to hear and ſee himſelf, and his Heirs and Succeſſors, in the Right of the ſaids Lands and half Miln, found and declared lyable by the ſaids Lords, in payment and performance of the ſaid Annualrent, Poultrie and other Preſtrations above-mentioned, in all time coming; and Decerned and ordained to make payment to the Purſuer, his Heirs and Succeſſors, of the like Annualrent and Poultrie, and to lead the ſaids Turfs, give the ſaids nights Meat, and perform the ſaid Perſonal-ſervice in time coming, when required thereto; or elſe to make payment to the ſaid Purſuer and his foreſaids, of the like values and prices as above expreſt. And for the better and more ſure payment and ſatisfaction of the ſaid Annualrent and Poultrie, and of the ſaid nights Meat, leading of the ſaids Turfs, and performing of the ſaids Services, or value and price above ſpecified, and as the ſame ſhall be Liquidat in manner foreſaid, alſwel in time coming, as for times bygone; the ſaid Defender, to hear and ſee our other Letters decernd, and Ordained by Decreet foreſaid, to be Direct to Meſſengers at Arms, at the Inſtance of the ſaid Purſuer and his foreſaids, Com-

manding them to pass to the Ground of the saids Lands and half Miln, and there in our Name and Authority, Search, Seek, Fence, Arreast, Appryse, Compel, Poynd and Distrinzie the readiest Goods, Geir, Corns, Cattle, Horse, Nolt, Sheep, and other moveable Goods and Geir whatsomever being, or that shall happen to be upon the Ground of the said Lands of ——, and half Miln of ——, pertaining Heretably to the said Defender in manner above-rehearsed: and failzieing of moveable Goods and Geir poyndable and distrinziable thereupon, to Appryse the Ground, Right and Property thereof, and all other Right and Title whatsomever Competent, or that may be Competent to him of the same; to the Avail and Quantity of the said Annualrent of five Merk, and Liquidat prices of the said Poultrie, and prices of the leading of the saids Turfs, nights Meat; and personal Riding and Service above-specified; (and to which Prices the same are to be Liquidat, in manner above-expreſt) and that yearly the particular years above-mentioned; and als yearly in time coming (at the same Rates and Prices) in case of not payment and performance of the *ipsa corpora*; and to make the said Pursuer and his foresaids compleatly payed thereof, after the Form and Tenor of the said Right and Infeftment, Obligation, Laws and dayly Practique of this our Realm, used and observed in the like Cases, in all Points; or else to alledge a reasonable Cause why the same should not be done, with Certification to the Defender if he failzie, Our saids Lords of Council and Session will Proceed in the said Matter; and Find, Declare, Liquidat and Decern in manner foresaid; (*Here insert a second Dyet*) Because the Value (in order to a Liquidation) must be proven otherways than by Writ: And then say in the Close thereof, after the Words *shall be holden as Confeſt, and Decreet given and Pronounced againſt him in the said Matter, Finding, Declaring, Liquidating, and Decerning in manner above-expreſt*: And thereafter Conclude with *according to Justice, as ye will answer*, &c.

Nota, *This Summonds being on Twenty one days, (becauſe there is something of a Declarator beſides Liquidation concluded therein) needs no Bill; and cannot be priviledged on fewer days: However the Poynding of the Ground (if Matters were Liquidat and declared* ab ante, *and by a previous Sentence)* ex sua naturâ *and upon a Bill, might be on six days; and in that Case needed no second Dyet, all being proven by Writ.*

SUMMONDS of Declarator at the Instance of the King's Master Tailor, of his Gift and Office, Priviledge and Casuality thereof, and Office of Purveyor and Proviſor of the Cloath for the King's Beed-men, and being exempted of all Burdens, Stenting, Scoting and Loting within-Burgh, not only againſt another pretending Right to the said Office, for annulling the same, and Repetition of the bygones uplifted and intromitted with by him, and to deſiſt and ceaſe from exercing or doing the like in time-coming, but also againſt the Magiſtrats and their Collectors, and the Stent-Masters from all Quartering upon, or Poynding him for any Burdens for the future.

MEan't and shown to Us by *I. R.* Tailor in the *Cannongate* of our Burgh of *Edinburgh*; That where his late Majesty by his Letter of Gift, under his Highness Privy Seal, of the Date at his Court at *Whitehall*, the — day 16 —— years, for the Causes, and upon the Considerations therein-specified

fied, and with Advice and Conſent of the Lords Commiſſioners of the Theſaurie and Exchequer for the time, made and conſtitute the ſaid Purſuer, during all the days of his Lifetime, his Majeſties maſter Tailor within the Kingdom of *Scotland*, with all Priviledges and Profits belonging thereto, and particularly with the priviledge of being exeemed from bearing Burden, or Watching and Warding within Burgh with the reſt of the Neighbours, conform to the 275 Act of the 15 Parliament of King *James* the ſixth, of bleſſed memory, and with power to the ſaid Purſuer to uſe and exerce the ſaid Office, ſicklike, and als freely in all Reſpects as any formerly in that Office Bruiked and Exerced the ſame, and ſpecially but prejudice of the foreſaid Generality, with the ſole and only Power of making the *Blew-Gowns* upon his ſaid late Majeſties Birth-day, and for the Purſuers farder Encouragement, gave, and granted to him during all the days of his Lifetime, as ſaid is, the yearly Fee therein-mentioned, to be payed at the terms therein-expreſt, by the Lords Commiſſioners of the Theſaury, Theſaurer or Theſaurer-Deput, or Receiver of his Highneſs Rents for the time, beginning the firſt Terms payment thereof, in the 16 and —— and ſofurth termly thereafter during all the days of his Lifetime, and ordained the ſaid yearly Fee to be allowed in the Exchequer Accompts; and likeways gave and granted to the ſaid Purſuer, full Power, Freedom and Liberty for all the days of his Lifetime, as ſaid is, to work at his Trade within the Burgh of *Edinburgh*, and all other Royal-Burghs within this Kingdom, where he ſhould happen to be for the time, and to tranſport his Work to and from the ſame without Trouble or Moleſtation whatſoever, as the ſaid Letter of Gift of the date foreſaid, containing a Reſervation to *W. C.* during his Life, the Gift of the Office of Purveyor and proviſor of the Cloath, and making of the Gowns to the Beed-men yearly, on his late Majeſties Birth-day, granted by King *Charles* the Second, of ever glorious memory, dated at *Winſor-Caſtle* the laſt day of —— 16 and —— years, in it ſelf more fully proports; by vertue whereof, and conform to the ſaid Act of Parliament, laudable Laws and daily practique of this Kingdom, heretofore inviolably obſerved in the like caſes, the ſaid Purſuer (eſpecially now ſince the deceaſe of *A. H.* ſometime Maſter Tailor to the ſaid King *Charles* the Second, who deceaſt in the Month of —— 16 and —— years, and ſince the deceaſe of the ſaid *W. C.* Purvyor and Proviſor of the Cloath, and makeing of the Gowns to the ſaid Beed-men, and who deceaſt in the Month of —— 16 and —— years) and in all time coming during his lifetime, has the only ſufficient Title of being our Maſter-Tailor, and Purveyor and Proviſor of the Cloath and making of the Gowns unto our Beed men, yearly on our Birth-day, and the ſole indoubted and incontravertable Right, of all the Fees, Priviledges, Freedoms and Immunities belonging to the ſaids Offices, ſicklike, and alſe fully and freely in all Reſpects, and to all intents and purpoſes, as the fore-named perſons and others their Predeceſſors therein, or either of them injoyed, bruiked and poſſeſt, or by vertue of the ſaid Act of Parliament, Laws, Practique and Conſtitutions of this Kingdom, might have poſſeſt, bruiked and enjoyed at any time in their Lifetimes; And true it is, that the forenamed perſons particularly above-named, and their Predeceſſors in the ſaid Office, were not only in uſe and Poſſeſſion thereof by exercing the ſame, uplifting the Fees and Sallaries thereto belonging, and providing of the Cloath, and making of the Gowns for the Beed-men (vulgarly called the *Blew-gowns*) upon his Majeſties Birth-day, but alſo were liberat and free from bearing of Burden, Watching and Warding within Burgh with the reſt of the Neighbours; And yet notwithſtanding thereof, the Lords of our Theſaury demur upon, and poſtpone the Purſuers payment as Maſter-Tailor to Us, and as Purveyor and Proviſor foreſaid, of the accuſtomed Fee and Sallary payable to his Predeceſſors in the ſaid Office, being —— *ſcots* Money yearly, at *Whitſunday and Martin-*

tinuesi, furth of our Rents and Casualities in Exchequer, notwithstanding Allowance thereof be appointed to be granted to them in their Accompts yearly, yea, *G. F.* Tailor Burgess of the *Cannongate*, pretends Right to the said Office, Fees and Priviledges thereof, by vertue of an other Gift, as also —— without any Gift from Us, or our most Royal Progenitors, assumes the Place and uplifts the Benefit thereof, and particularly the providing Cloath for, and making of the said Gowns yearly, likeas the Magistrats of our Burgh of *Edinburgh* and *Cannongate* thereof, impose upon and exact from the Pursuer, a proportional part of the Cesses, Stents and other Impositions with the rest of the Neighbours, and make him lyable for Watching and Warding, and what else is incident within the said Burgh, and in effect the saids Magistrats of *Edinburgh* and *Cannongate*, and their Officers, Collectors and others deriving Power from them, poynd, distrenzie, intromet-with, away-take the Plenishing of his House, and Materials of his Work wherein he is imployed, and at times apprehend and incarcerat his person for the same, without respect, and meerly contrair and repugnant to his said Gift, Act of Parliament, Laws, Constitution and Practique of this Kingdom aforesaid, wherethrough the true meaning and intent thereof is violat, and the Pursuer heavily damnified and prejudged thir divers years bygone, and will be so for the future without Remeid be provided thereto, and therefore it ought and should be found and declared by Decreet of our Lords of Council and Session, that the said Pursuer had, likeways he has the only good sufficient and indoubted Right and Interest, by vertue of his said Gift of being our Master-Tailor and Purveyor and Provisor of the Cloath, and making of the Gowns unto our Beed-men, yearly on our Birth-day, and to the haill Fees, Profits, Emoluments, Freedoms, Priviledges and Immunities belonging to the same, ever since the decease of the said *A. H.* and *W. C.*, which was at the time above-specified, and in all time-coming during his lifetime, and that the said *G. F.* and —— have no Right thereto, at least the Pursuers Right is preferable to any Right or pretensions they may have, and the only person that should enjoy the same, and be answered obyed and payed thereof and they ordained to desist and sist from exerceing the said Office, uplifting the Fees and Casualities thereof, or troubling the Pursuer therein for the future, and that the Pursuer is not lyable in bearing of Burden, or in Watching and Warding with the rest of the Neigbours, or any thing else incident within Burgh, or having his Goods or Work seazed, Attacked, poynded and distrinzied, intrometted with, or away-taken, or his person apprehended or imprisoned upon that Head or Accompt; And the same being so found and declared, our Lords of Council and Session ought and should Decern and Ordain, that the said Pursuer only exerce the said Office, and intromet-with, uplift and enjoy the Fees, Benefits and Casualities of the same for the future; And in like manner the Provost and Baillies of our said Burgh of *Edinburgh*, and Baillies in the *Cannongate*, and their Successors in place and Office, and their Officers, Collectors, and others deriving Power from them, ought and should be discharged from all imposing of Cess, Stents, or other Imposition incident within Burgh upon the said Pursuer, or exacting and uplifting the same from him, and poynding and distrinzieing his House or Work, or Troubling, Apprehending or Incarcerating his person upon that head or account in any time-coming, conform to his said Letter of Gift, Act of Parliament, laudable Laws, Constitutions, and daily practique of this our Realm, heretofore inviolably observed in the like cases, in all points, and which they wrongously refuse to do without they be compelled, as is alledged. *Our Will is herefore*, and we charge you, that ye peremptorly Summond, Warn and Charge —— Lords of our Thesaury, and —— our Advocat, —— our Solicitor, and the Provost and Baillies of *Edinburgh*,

and

and Baillies of the *Cannongate*, and the ſaid *G. F.* who pretends Right to the ſaid Office, Fees and Caſualities thereof, and priviledges of the ſame, by vertue of an other Gift from his late Majeſty, and —— who aſſumes to himſelf a Right and poſſeſſion of being Purveyor and Proviſor of the ſaid Cloath, for making Gowns to the ſaid Beed-men upon our Birth-day as ſaid is, and uplifts the Fees, Benefits and Caſualities thereof, perſonally, or at their dwelling-places, on twenty one days warning, and all others having or pretedding to have Intereſt in the ſaid matter, by open proclamation at the Mercat-Croſs of *Edinburgh* and *Cannongate*, and other places needful, to compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— if it be lawful, and failzeing thereof the next lawful day thereafter following, in the hour of Cauſe, with continuation of days, to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter: *That is to ſay*, the ſaids Defenders to hear and ſee it found and declared by Decreet of the ſaids Lords, that the ſaid Purſuer had, likeas he has, the only ſufficient good and indoubted Right and Intereſt, by vertue of the ſaid Gift, of being our Maſter-Tailor and Purveyor and Proviſor of the Cloath, and making of the Gowns unto our Beed-men yearly on our Birth-day, and to the haill Fees, Profits, Emoluments, Freedoms, Priviledges and Immunities belonging to the ſame ever ſince the deceaſe of the ſaid *A. H.* and *W. C.* which was at the time above-ſpecified, and in all time-coming during his life-time, and that the ſaid *G. F.* and —— have no Right thereto, at leaſt the Purſuers Right is preferable to any Right or pretenſions they may have, and ſo the only Perſon that ſhould enjoy the ſame, and be anſwered, obeyed and payed of the Fees and Benefite thereof, and they ordained to deſiſt and ceaſe from exercing the ſaid Office, uplifting the Fees and Caſualities thereof, or troubling the Purſuer therein for the future, and that the ſaid Purſuer is not lyable in bearing of Burden, or in Watching and Warding with the reſt of the Neighbours, or any thing elſe incident within Burgh, or having his Goods and Work ſeazed, attacked, poynded, diſtrinzied, intrometted-with, or a way taken, or his perſon apprehended and impriſoned upon that head or account, and the ſame being ſo found and declared, the ſaid Provoſt and Baillies of *Edinburgh*, and the ſaids Baillies of the *Cannongate*, and their Succeſſors in place and Office, and their Officers, Collectors, and others deriving Power from them, to hear and ſee themſelves Decerned, Ordained and diſcharged from all impoſing of Ceſs, Stents, or other impoſitions incident within Burgh upon the ſaid Purſuer, or exacting and uplifting the ſame from him, or poynding and diſtrenzieing his Houſe or Work, or Troubling, Apprehending, or Incarcerating his Perſon upon that Head or Accompt in any time-coming, conform to his ſaid Letter of Gift, Act of Parliament, laudable Laws, Conſtitutions, and daily Practique of this our Realm, heretofore inviolably obſerved in the like Caſes, in all points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Find, Decern, Declare and Diſcharge in manner foreſaid; And if the ſaids Defenders failzie and compear not, Day and Place foreſaid, that ye at the ſame time, and in the Terms of the late Act of Parliament, lawfully Summond, Warn and Charge them, perſonally apprehended on ſix days warning, to compear before the ſaids Lords the — day of —— in the hour of Cauſe, with Continuation of days, to hear and ſee all neceſſar and lawful Probation led and deduced in the ſaid matter, and to give and depone their Oaths of verity thereuntil, in ſo far as ſhall not be proven by Write or Witneſſes, with Certification to them if they failzie, they ſhall be holden as Confeſt, and Decreet given and pronounced againſt them therein; Finding, Decerning, Declaring and Diſcharging, in manner above expreſt, according to Juſtice, *&c.*

SUMMONDS of Declarator at the Instance of the Incorporations of Wrights and Measons, consisting of ten Trades, against the Incorporation of the Hammer-men of *Edinburgh*.

CHARLES, &c. *To* —— *Messengers*, &c. *Meaned and showen to us by* J. H. *Deacon of the Wrights*, J. W. *Deacon of the Measons*, *and* G. P. *present Box-master*; *for themselves*, *and in name and behalf of*, *and Representing the whole ten Arts of* Maries-Chapel, *Consisting of Wrights*, *Measons*, *Bowers*, *Coupers*, *Sclaiters*, *Glasiers*, *Painters*, *Plumbers*, *Servie-Wrights*, *and Upholsterers*, *within our City of* Edinburgh; *That where the said Chapel made up of the said ten Arts*, *has been of ancient standing*, *and have ever enjoyed the Priviledges of the respective and distinct Arts*, *in such manner*, *That none but those that served their Apprentiships*, *or was a Free-mans Son*, *or married a Free-mans Daughter of the Chappel and in that Art he professed or served in*, *was capable to be Free-man*, *or Exerce any of the saids Arts*; *But on the contrary*, *their Foundation and Priviledge have been from time to time Ratified*, *not only by the good Town*, *but even by our deceast Royal-Father*, *and others our most Royal Progenitors of ever Blessed Memory*, *and our Estates of Parliament*, *and the Pursuers and their Predecessors in the saids Arts*, *in the continual and perpetual Possession and Exercise thereof*, *thir diverse and many years bygone past all Memory of Man*; *until of late*, *That those of the Incorporation of the Hammermen*, *and such as are conjoyned with them and of their House*, (viz.) leave Blank for the Deacon, Masters, Box-Master, and remanent Members of the House; And then say, *have beyond all Law*, *and contrare to all good Neighbourhood*, *and Rules and Constitutions of the good Town*, *yea the Sett and Decreet Arbitral pronounced betwixt the Merchants and Trades thereof*, *and even the Trades amongst themselves*, *by the Gentlemen and others to whom their Differs were referred*, *and wherein our Grand-father King* James *the Sixth of ever Blessed Memory was Overs-man*, *dated the said Decreet* 22 *day of* April 1583 *years*: *and to the Seals of Cause afterwards*, *made and given by our said good Town*, *to each House and Incorporation*, *relative and conform to the said Decreet*, *by which the March betwixt them are clearly Rid and Distinguished*, *Incroached upon*, *and Violat and Infringed*; *the Rights and Priviledges of the Pursuers their Incorporation*, *and ten several Arts thereof*, *by doing and Committing the several Acts*, *Violations and Incroachments after-specified*; *The several times after-mentioned*; *the way and manner after-expresst*, viz. (Here leave Blank for the Incroachments, and then say) *whereby they have Damnified and Prejudged the Pursuers*, *in the Sum of* —— Scots *money*, *Conform to a particular Accompt thereof*, *a part* (*here holden as for expresst* brevitatis causa.) *Likeas*, *the Defenders intend to continue in*, *and perpetuat the like Incroachments*, *Violations and Breach of the Pursuers Priviledges in time coming*, *without respect to the said Establishment*, *Decreet Arbitral*, *and Seals of Cause aforesaid*. *And the Pursuers and their Predecessors in the said respective Arts*, *their immemorial Possession by vertue thereof*, *and as if the Pursuers* (*upon the account of their Trades*) *did not bear Burden*, *Scoting*, *Loting*, *Watching*, *Warding*, *and all other Contingents within Burgh*, *alswel privat as publick*, *to the great hurt*, *dammage and prejudice of the saids Pursuers and their Successors*. *And albeit it be of verity*, *That the saids Pursuers have oft and diverse times desired and required the said Incorporation of the Hammer-men*, *and other Arts Conjoyned and Incorporat in one House with them*, *to Desist and Cease in time coming*, *from doing*, *Acting and Committing the same*, *or like Incroachments or Violation of their Rights and Privileges aforesaid*, *and to make payment to them*, *or the said* G. P. *their present* Box-

Box-Maſter, or his Succeſſors in that Office, of the ſaid Sum of —— Money foreſaid, wherein the Defenders damnified and prejudged the Purſuers in manner above-rehearſed; Nevertheleſs they wrongouſly refuſe, poſtpone and defer to do the ſame without they be Compelled, And therefore it ought and ſhould be found and declared by Decreet of our Lords of Council and Seſſion, That (6) *the ſaids Defenders have done manifeſt wrong and great Injury, by their ſaids Incroachments upon, and Violation and Infringement of the ſaids Purſuers their Incorporations and Houſe, and ten ſeveral Arts therein; and of their Rights and Priviledges aforeſaid, and doing and Committing the ſeveral Acts and Deeds above-ſpecified, the way, manner, and at the times above-mentioned; and that thereby they have Damnified and Prejudged the Purſuers, in the ſaid Sum of —— Money above-written, Conform to the ſaid particular Accompt thereof, (here holden as for expreſt as ſaid is.) And the ſame being ſua found and Declared, the ſaids Defenders to hear and ſee themſelves and their Succeſſors in their ſaids Arts, not only Decerned and Ordained by Decreet of the ſaids Lords, to make payment to the ſaid Purſuers, or their ſaid Box-Maſter or his Succeſſor in that Office, of the ſaid Sum of —— Money foreſaid, wherein the Defenders have damnified and prejudged the Purſuers in manner above-written; (and to which Sum, the ſaid Damnage and Prejudice ought and ſhould be Liquidat by the ſaids Lords) But alſo the Defenders & their Succeſſors in their houſe & Arts, ought & ſhould be Decerned & Ordained by Decreet foreſaid, to deſiſt & Ceaſe, from doing, Acting and Committing the ſame; or like Incroachments or Violations upon the Purſuers and their Succeſſors, their Arts, Rights and Priviledges aforeſaid, in all time coming, Conform to the ſaid Decreet Arbitral, Seal of Cauſe, Immemorial Poſſeſſion by vertue of thereof, Laws and dayly Practique of this our Realm, heretofore Inviolably obſerved in the like Caſes in all Points,* (7) *as is alledged.* Our Will is herefore, *And we Charge you, that ye peremptorly Summond, Warn and Charge the ſaids* J. C. S. W. J. W. A. H. J. F. (here Inſert the other Members of the Incorporation of Hammer-men, and then ſay) *perſonally, or at their dwelling places, on* 21 *days warning, and all others, having or pretending to have Intereſt in the ſaid Matter; by open Proclamation at the Mercat-croſs of —— and other places needful, to Compear,* &c. (In the common Stile) *to anſwer at the Inſtance of the ſaids Purſuers in the ſaid Matter,* that is to ſay the ſaids Defenders; *to hear and ſee it found and declared by Decreet of the ſaids Lords, That* (here conclude the Summonds according to the Subumption from the (6) Figure, till ye come to the (7) Figure, with this Alteration, *viz.* for theſe words *ought and ſhould in the ſaid Subſumption,* make it in the Concluſion, *to hear and ſee,* and then ſay) *or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done; with Certification to the Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid Matter; and find, Declare, Liquidat and Decern in manner foreſaid, to Inſert a ſecond Dyet, becauſe the Incroachments and Damnages are to be proven otherways than by Writ: and after the words* they ſhall be holden as Confeſt, and Decreet given and pronounced againſt them in the ſaid Matter; *let theſe words be ſuper-added,* Finding, Declaring, Liquidating and Decerning in manner above expreſt, according to Juſtice, *&c.* Given under our Signet at *Edinburgh,* the laſt day of *November,* and of our Reign the 28 year, 1676. *And Signed the ſame day.*

Nota, Albeit ſome of the Incorporation of Wrights and Meaſons, called the other eight Trades of that houſe Pendicles, (which gave a Riſe to the great Plea betwixt them, as appears by the Declarator purſued by the eight Trades againſt the other two, *pag.*) yet when the Wrights and Meaſons were Incroached upon by the In-

corporation of the Hammer-men, ye ſee they Include the eight Trades to be part of the ten Arts in *Maries-Chappel.*

SUMMONDS at the Inſtance of a Husband, againſt perſons to whom his Wife (in his abſence, and without his knowledge or conſent) delivered much of his Subſtance, for Reſtitution thereof or value, and excreſcant Profits of the ſame, being equivalent to a Spulziation, or reſolving in Damnage Actione rerum amotarum (*a Principle in the Civil Law*) *ſince it cannot be purſued for* via furti.

CHARLES, Meant and ſhowen to us, by *J. S.* of *L.* That where in the Month of ——, —— years, the purſuer was married to *A. S.* Relict of the deceaſt ——, and accordingly entered Home to his Family, and lived comfortably together, (and as became perſons in Wedlock, and that near and dear Relation) until the Moneth of ——, —— years; (and ſo by the ſpace of ——, That either by the pravity of her own Nature and Diſpoſition, or by the bad Counſel and Inſtigation of evil Perſons, Malevolents and unfriends to both) ſhe left and deſerted his Family, and was not only abſent therefrom for a conſiderable time; but when ſhe re-entered, continued not long there when ſhe took the ſame Methods and Meaſures, and from time to time ſhe was ſometimes abſent, and ſometimes preſent, and in effect longer abſent than preſent; yea a year, ſometimes two or more years altogether abſent: and whilſt preſent, not only Imbazelled a conſiderable part of his Means, and gave away, Bequeathed, Gifted and Diſponed the ſame at pleaſure, to ſuch perſons as ſhe had favour for; But likewiſe when abſent, and in the Purſuers own abſence from home, ſhe uplifted from the Tennents of her Liferent-Lands by her firſt Husband, (and to which the Purſuer had Right either by Aſſignation and Diſpoſition antecedent to the Marriage, or *Jure Mariti*) conſiderable quantities of Victual, Beſtial, and other things, and forced the ſame from them; yea when the Purſuer was at *Edinburgh*, in the Month of ——, —— years, and ſome Months after about ſome legal Affairs, ſhe at her own hand, diſpoſed of his Cows and Beſtial, Pleniſhing and other things in great quantity and to a conſiderable value, to her Children in the firſt Marriage; Son in Law and other Relations by Conſanguinity or Affinity, and without knowledge and conſent of the Purſuer, as if ſhe were a ſingle perſon, and not *veſtita Viro*, and under the Religious and natural Bonds, Tyes and Obligations of Wedlock; and as an Introduction to theſe her After-actions unwarrantable in themſelves: and to the great Ruine, Damnage and prejudice of the Purſuer, and his Fortune and Eſtate, ſhe ſometime after her Marriage with him, granted Bonds to her ſaid Children in the firſt Marriage, and other perſons for conſiderable Sums of Money, bearing Penalties and Annualrents, of deſign (if poſſible) not only to Affect and Burden her ſaid Liferent by her firſt Husband, (and to which he had Right as ſaid is) but alſo his own Fortune and Eſtate, could the ſame ſubſiſt in Law: And upon which Accompt, (and for his own preſervation) he was neceſſitat (even againſt his Inclination) to Raiſe and ſerve Inhibition againſt her, and which is duely Regiſtrat: And yet notwithſtanding thereof, ſhe afterwards Imbazilled, gave away privatly, and Bequeathed (beſides what not known) to the perſons after-named, the Goods, Gear, Corns, Cattel, Pleniſhing, Corns and others after-ſpecified; off the Avails, Quantities, Eſtimations and Prices after-mentioned; ilk an of them for their own parts, as is after divided, *viz.* (*Here leave Blank for half Sheet to Libel the Goods, and then ſay*) And out of which

Goods

Goods and excreſſant Profits thereof under-written, *viz.* (*leave Blank for another half Sheet to Libel the Profits and reſpective times, and then ſay*) the Purſuer has layen ever ſince, now by the ſpace above-written; and which the ſamine would have yielded to him in that time, had the ſame been ſuffered to remain with him, and in his poſſeſſion; and not only unjuſtly and illegally given away, and received by them but retained in manner above-expreſt; and for which excreſſant Profits, alſwel as the *ipſa corpora* of the Goods, or value thereof aforeſaid, (being upon the Matter equivalent in Law to a Spulziation, at leaſt reſolves *in damnum actione rerum amotarum*) the forenamed perſons are, and ought to be Lyable; and the ſame Liquidat by Decreet of the Lords of Council and Seſſion accordingly. And albeit it be of verity, That the ſaid Purſuer has oft and diverſe times, deſired and required the forenamed perſons, to reſtore and deliver to him, (6) the Goods, Gear, Cattel and other Beſtial, Corns and others above-ſpecified, wrongeuſly and illegally Imbazelled, given away and Conveyd by the ſaid *A. S.* his Spouſe, to them and by them, or others in their names, received from her in manner above-mentioned; or elſe to make payment to him, off the Avails, Eſtimations and Prices of the ſame above-rehearſed. And ſicklike, to make payment to him off the excreſſant Profits thereof, or Damnage above-expreſt, ſuſtained and incurred by him therethrough; And that dayly and ilk day, and yearly and ilk year, ſince their receiving thereof, and Intromiſſion therewith, which was at the time above-rehearſed: and off the alike Profits or Damnage yearly and ilk year, and dayly and ilk day, in time coming: ay and while the ſaids Goods, Gear and others foreſaids be reſtored, or value thereof aforeſaid payed to the Purſuer as ſaid is. (7) Nevertheleſs they wrongouſly refuſe, Poſtpone and deſer to do the ſame without they be Compelled as isalledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge the ſaids —— Deſenders, perſonally, or at their Dwelling-places, on twenty one days Warning, to Compear (*here follow forth the Stile*) to anſwer at the Inſtance of the ſaid Purſuer, in the ſaid Matter; *That is to ſay*, the ſaids Defenders, to hear and ſee the Premiſſes ſufficiently verified, and proven to be of Verity: and the ſame being ſua verified and proven, to hear and ſee themſelves Decerned, and ordained by Decreet of the ſaids Lords, to reſtore and deliver to the ſaid Purſuer, (*here take in the Subſumption from the Figure of* (6) *to the Figure of* (7) *and then ſay*) and to hear and ſee the ſaids excreſſant Profits or Damnage, Liquidat accordingly by the ſaids Lords, Conform to the Civil Law, and Laws and Practique of this our Realm, in all Points; or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done: with Certification to the ſaids Defenders if they failzie, the ſaids Lords will proceed in the ſaid Matter, and Liquidat & Decern in manner foreſaid. *After this Inſert a ſecond Dyet in common Form, and then Conclude with* According to Juſtice as ye will anſwer, *&c. Given under our Signet at* Edinburgh, *the —— day of ——, And of our Reign the — year* 16—— *years.*

No Bill.

SUMMONDS at the Inſtance of M. T. M. *of* J. *againſt* N. M. *of* A. *and his Complices, for payment not only of the value of Goods reſtand, violently taken away from off the purſuers Lands, but alſo for the violent Profits determined in the general by* Parliament, *and now craved to be liquidat, in particular by the Lords of Seſſion, according to their conſtant Cuſtom and Practique.*

CHARLES, &c. Mean't and ſhown to Us, by *M. T. M.* of *J.* That where *N. M.* of *A.* and remanent perſons after-named, his Complices, and others of his Cauſing, Sending, Hounding-out, Command, Reſet, Aſſiſtance and Ratihabition, having no fear of God before their Eyes, nor regard to our Laws, out of Malice and Hatred unjuſtly conceived againſt the Purſuer, did upon the fifth and ſixth day of *October* 1654 years, convocat themſelves in a tumultuous and hoſtile manner, with Swords, Guns, and other invaſive Weapons, and without any Warrand or Authority, did invade the Lands of *J.* pertaining heretably to the Purſuer, under ſilence and Cloud of Night, and did moſt violently Rob, and away-take from the Purſuer and his Tennents 47 Horſes and Meers, 40 Cows, and 44 Foals, extending in Excreſce, price and worth ſince the time of the *Depredation*, to the Sum of 84315 pounds, which Goods were in the Purſuers and his Tenents and Servants poſſeſſion, by Paſturing, Labouring and Herding with the ſamen upon the Ground of the ſaids Lands divers years, at leaſt Months preceeding the Depredation, whereby the ſaids Defenders contraveened our Laws and Acts of Parliament, and committed open Oppreſſion, in high contempt of our Authority, whereupon the ſaid Purſuer meaned himſelf to Us, and our Eſtates of Parliament by Petition, bearing the Narrative above-ſpecified; and therefore humbly deſiring a Warrand for ſummonding the ſaid *N. M.* and his Complices after-named, to compear before our ſaids Eſtates of Parliament, at a certain day, and to hear and ſee them decerned to reſtore the Goods above-mentioned, in as good caſe as they were the time of the Depredation thereof, or elſe to make payment of the Avails and prices of the ſame, with the excreſſant Profits: And the ſaid Warrand being accordingly iſſued thereupon from the Lords Commiſſioners for Trade and Bills, and the ſaid N. *M.* and his Complices after-named, then given in, in Roll, *viz. J. M.* his Brother, and —— being accordingly cited, and compearing by their Advocats and Procurators, before the ſaids Lords Commiſſioners for Bills and Trade, and the Rights, Reaſons and Allegations of both parties, together with the Depoſitions of divers famous and ſworn Witneſſes received and Adduced in the ſaid matter, with the ſaid Purſuer his *Juramentum in litem*, being heard, ſeen and conſidered by the the ſaids Lords, they made their Report therein to us, and our ſaids Eſtates of Parliament: likeas the ſaid Report being repreſented from the ſaids Lords Commiſſioners for Trade and Bills to our ſaid Parliament, and being upon the ninth day of *September* 1662 years red, and at length conſidered by them, and they well advised therewith: We with Advice and Conſent of our ſaids Eſtates in Parliament, Decerned and Ordained the ſaid *J. M.* Brother to the ſaid *L.* of *A.* and remanent perſons Complices above-named, to Refound and deliver to the ſaid Purſuer the Number of twenty Meirs, ten Horſes, eleven Foals, and eighteen Cows taken away from him by them in manner foreſaid, or elſe to make payment to him of the Sum of 50 Merks *ſcots* Money, as the price of ilk Horſe and Meir over-head, of the ſaids twenty Meirs, and ten Horſes, and twenty Merks Money foreſaid, as the price of ilk Foal and Cow, of the Number of eleven Foals and eighteen Cows, and als decerned the ſaids Complices to make payment to the ſaid Purſuer of the excreſſant Profits of the ſaids Goods, conform to the Act of Parliament, Laws and practique of this our Realm ſince the time above-ſpecified, of the away-taking of the ſame, in manner above-mentioned, and in time-coming until the ſaids Goods be reſtored, or prices thereof payed; And true it is, that albeit by the ſaid Decreet the foreſaids excreſſant profits be decerned as well as the real prices, yet in reſpect the ſame are only decerned in the general, and not particularly at ſo much *per diem* for the Work and Hire-gang of each Horſe or Meir, ſo much for the Foal of each Meir yearly, & ſo much for the Calf & Milkneſs of each Cow, whereby

by real Execution by Appryſing, or Execution by poynding may paſs, and that by the Acts of Parliament of this our Realm, violent profits are allowed in caſes of Spuilzie, & which violent profits are to be modified by our Lords of Council and Seſſion, according as they ſhall ſee Reaſon, and all Circumſtances conſidered; Likeas the ſaids Lords by their daily practique uſe to modifie and determine the violent and excreſſant profits *reſpectivè* after-ſpecified, *viz.* 6 *ſſ.* 8 *d.* for the Work and Hire-gang of each Horſe and Meir daily, and ilk day from the time of the Spulziation to the day of the Reſtitution of the Goods ſpuilzied, in as good caſe as they were the time of the Spulziation, or to the day of the payment of the prices thereof. *Item*, each Meir a Foal yearly, or fifteen Merks, as the price of each Foal, with 6 *ſs.* 8 *d.* daily, and ilk day (after their being a year old) being then able for Service, Work and Riding, until the time of the Reſtitution thereof, or payment of the price of the ſame. *Item*, ten Merks for the Milkneſs, Butter and Cheiſe of each Cow yearly from the time of the Spulziation until the Reſtitution aforeſaid, or payment of the price of each Cow in manner above expreſt, where-through the Purſuer in all equity and Reaſon ought to have the like excreſſant profits Decerned and Allowed to him; And for that effect, the ſame excreſſant profits (however general in the ſaid Decreet of Parliament) ought to be liquidat by Decreet of our Lords of Council and Seſſion, to the particular Quantities, Eſtimations, Avail's, prices and Sums of Money above-written, and which the ſaid Lords by their conſtant Practique are in uſe to modifie in ſuch caſes; And the ſame excreſſant profits being ſo liquidat, the fore-named perſons Defenders, Complices above-named, ought and ſhould be found and declared lyable conjunctly and ſeverally *in ſolidum* thereof, and Decerned and Ordained conjunctly and ſeverally by the ſaid Decreet, to make payment and deliverance to the ſaid purſuer of the ſame excreſſant Profits ſo liquidat, daily, and ilk day, yearly, and ilk year *reſpectiv*, ſince the time of the ſaid wrongous Spuilziation and Depredation, to the date of the ſaid Decreet of Parliament, as alſo daily, and ilk day, and yearly, and ilk year ſinſyne, and in all time-coming during the not Reſtoration of the ſaids Goods, or payment of the prices of the ſame, in manner above-expreſt, conform to the ſaid Decreet of Parliament, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all points, as is alledged. *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the ſaids —— Complices and Defenders above-ſpecified, perſonally, or at their dwelling-places, on twenty one days warning, to compear before our ſaids Lords of Council and Seſſion *(follow forth the ordinary Stile, and then ſay)* to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter: *That is to ſay*, the ſaids Defenders to hear and ſee the ſaids excreſſant profits (however general in the ſaid Decreet of Parliament) liquidat by Decreet of our ſaids Lords of Council and Seſſion, to the particular Quantities, Eſtimations, Avails, Prices and Sums of Money above-written, and which the ſaids Lords by their conſtant Practique are in uſe to modifie in ſuch caſes, and the ſame excreſſant profits being ſo liquidat, the fore-named perſons Defenders, Complices above-named, to hear and ſee themſelves found and declared lyable, conjunctly and ſeverally *in ſolidum* thereof, and Decerned and Ordained conjunctly and ſeverally by the ſaids Lords their Decreet, to make payment and deliverance to the ſaid Purſuer of the ſame excreſſant profits ſo liquidat, and that daily, and ilk day, and yearly, and ilk year *reſpectivè*, ſince the time of the ſaid wrongous Spuilziation and Depredation, to the date of the ſaid Decreet of Parliament, as alſo daily, and ilk day, and yearly and ilk year ſenſyne, and in all time-coming during the not Reſtoration of the the ſaids Goods, or payment of the prices of the ſame, in manner above-expreſt, conform to the ſaid Decreet of Parliament, Laws and daily practique of

this our Realm, heretofore inviolably obſerved in the like Caſes, in all points, or elſe to alledge a reaſonable Cauſe why the ſame ſhould not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Liquidat, Find, Decern and Declare in manner foreſaid. According to Juſtice, *&c.*

Nota, *You may inſert a ſecond Dyet for the more ſecurity, but I ſee no neceſſity for it, becauſe the Spuilzie and Depredation being proven in plain Parliament, and the Complices found lyable, and decerned not only as to the Goods or Value, but alſo in violent or excreſſant profits in the general, and ſo nothing now craved but a Liquidation of theſe profits, which neceſſarly falls in conſequence, and the Deed was ſo illegal and violent, being done under Cloud of Nigh by force of Arms, and the time of the Uſurpation, that the Juſtice of the Parliament ſtept over that of Preſcription, (as not purſued within three years) and found profits due, and acted like Noble and Faithful Legiſlators to their Country, and whoſe Repreſentatives they were; And were not Violence puniſhed, where lyes the ſecurity of the Subject.*

SUMMONDS for payment of, and poynding the Ground for a blench Duty given by the King in penſion to a Miniſter and his Son, at the inſtance of a perſon having Right thereto by progreſs, againſt the Feuars, Sub-vaſſalls, Tennents and Poſſeſſors.

CHARLES, *&c.* meant and ſhown to Us by *M. T. M.* Writer in *Edinburgh* Aſſigney, and otherways having Right to the yearly Penſion underwritten, in manner after-mentioned; That where our umquhile Goodſir King *JAMES* the Sixth of worthy Memory, by his Highneſs Letter of Gift and Penſion under his Majeſties Privy Seal, of the date at *White-Hall* and *Edinburgh* the firſt and ſevententh day of *May* 1606 years, for the cauſe therein-ſpecified, gave, granted and diſponed to the deceaſt *M. A. M.* ſometime Miniſter at *A.* and to *M. G. M.* his ſecond lawful Son, and the longeſt Liver of them two, during all the days of their Lifetime, all and hail, a yearly Penſion of —— pounds, yearely to be uplifted and taken at the Terms of payment uſed and wont, furth of the Abbacy, Barony and Lordſhip of *F.* Teinds, Fruits, Rents, Emoluments, and other duties thereof wherever the ſamen ly within this Nation, beginning the firſt Terms payment, at the Terms uſed and wont in the ſaid year 1606 years, and ſo-furth to continue and endure, and to be intrometted with, uſed and diſponed upon by the ſaid Umquhile *M. A. M.* and the ſaid *M. G. M.* yearly, and in all time thereafter during their Lifetimes, and the longeſt Liver of them two as ſaid is, in and to the whilk Letter of Gift and Penſion, and yearly Penſion of —— pounds Money above-written therein-contained, and that of the Cropt 1633 years, and thereafter during the Lifetime of the ſaids *M. G. M.* haill Heads, Clauſes and Conditions of the ſaid Gift of Penſion, the ſaid *M. G. M* by his Aſſignation of the date the —— day of —— —— years, made and conſtitute the deceaſt *M. T M.* of —— his Aſſigney, likeas *M. J. M.* now of —— Son and Heir Served and Retoured, and alſo Executor confirmed to the ſaid deceaſt M. *T.* M of —— by his Right and Tranſlation of the date the — day of —— 1666 years, Aſſigned and Transferred the haill premiſſes in favours of the ſaid Purſuer, as in the ſaid Letter of Gift, Aſſignation, and Tranſlation more copiouſly is comprehended, by vertue whereof the ſaid Purſuer, as having Right in manner foreſaid, has good and indoubted

doubted Right in and to the ſaid yearly Penſion of —— pounds Money foreſaid, and ought and ſhould be anſwered, obyed and payed thereof, by the Feuars, Farmers, Tennents, Tackſmen, Parochiners and others, Intrometters with the Teinds, Fruits, Rents, Emoluments, and other Duties of the ſaid Abbacie, Lordſhip and Baronie of *Fe*, now Erected in a free Baronie, called the Barronie of *G.* and others addebted in payment of the ſaid yearly Penſion, furth of the readieſt Lands, Fruits, Rents, Emoluments, and others Duties thereof, at the Terms uſed and wont, and that of all years and Terms bygone, reſting, owing unpayed ſince the Cropt and year of God 1633, and yearly and termly ſenſyne, during the Lifetime of the ſaid M. G. M. And albeit it be of Verity, that the ſaid Purſuer as having Right in manner foreſaid, has oft and divers times deſired and Required —— Feuars, Tennents and Poſſeſſors of the Lands and others after-ſpecified, *viz.* —— which is an half or ane part of the ſaid Abbacy, Lordſhip and Baronie of *F.* now called the Barony of G. and called the Lands of M. there half furth of which, and other half thereof, the ſaid yearlie Penſion is appointed to be uplifted in manner foreſaid, to have readily anſwered, obeyed, and made good and thankful payment to him as having Right in manner foreſaid, of the Sum of —— *ſcots* Money, as due and payable by them furth of their part and portion of the ſaid *B*aronie of G. and ſo found by Decreet obtained at the Inſtance of the ſaid deceaſt M. T. before the late pretended Commiſſioners, againſt the ſaid Laird of M. the 25 of *Feb.* 1654 years, and that yearly the Cropts and years of God 1633, 34, *&c.* and 1667, in which yeare the ſaid M. G. deceaſt, after the Form and Tenor of the ſaid Letter of Giſt, Aſſignation and Right, and Diſpoſition thereof above-written; Nevertheleſs they wrongouſly refuſe, poſtpone & defer to do the ſame, nor yet will they ſuffer the Ground to be poynded therefore, albeit the blench-Duties of the ſaid Abbacy, and payable furth thereof by the ſaid *L*aird of M. to us, as one of the Baronies of that Erection, and whoſe Vaſſals the Defenders are, being *debitum fundi*, without they be compelled as is alledged *Our Will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge —— to compear before the Lords of our Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— next to come, *&c.* in the hour of Cauſe, with Continuation of days, to anſwer at the Inſtance of the ſaid Purſuer in the ſaid matter, *That is to ſay*, the ſaids Defenders to hear and ſee the Premiſſes verified and proven to be of verity, and the ſame being ſo verefied and proven, to hear and ſee themſelves, as Feuars, Vaſſals and Poſſeſſors of the ſaid Laird of M. half, or part of the ſaid Abbacy, Lordſhip and Baronie of *F.* now called the Baronie of *G.* furth of which, and other half thereof, the ſaid yearly Penſion is appointed to be uplifted in manner above-ſpecified, not only decerned by Decreet of our ſaids Lords, to readily Anſwer, Intend, Obey, and make good and thankful payment and deliverance to the ſaid Purſuer, as having Right in manner foreſaid of the ſaid Sum of——Money above-written, due & payable furth of their part and portion of the ſaid Baronie of G. and that yearly the Cropts and years of God above-mentioned, but alſo for the ſaid Purſuer his more ſure and ready payment, the ſaids Defenders to hear and ſee our other Letters Ordained by Decreet foreſaid, to be direct to Meſſengers at Arms, charging them to paſs, and in our Name and Authority, Search, Seek, Fence, Arreſt, Appryſe, Compel, Poynd and Diſtrinzie the readieſt Goods and Gear, Corns, Cattel, Inſight, Pleniſhing, Horſe, Nolt, Sheep, and other movable Goods and Gear whatſoever poyndable and diſtrinzieable, being, or that ſhall happen to be upon the Ground of the ſaids Lands, and others foreſaids, make penny thereof, and failzeing of movable Goods and Gear poyndable, to appryſe the Ground-Right and Property thereof, conform to the Act of Parliament, to the

Avail and Quantity of the ſaid —— pounds, due furth thereof, and that yearly the ſaids years, and make the ſaid Purſuer compleatly payed of the ſame, after the Form and Tenor of the ſaid Letters of Gift and Penſion, and remanent Writes above-narrated, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all points, or elſe to alledge a reaſonable Cauſe, *&c.* with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and decern therein in manner foreſaid, According to Juſtice, *&c.*

Nota, *It may allow of a Bill, becauſe of the poynding of the Ground, and privileged on ſix days, the ſubject matter being a blench Duty, and ſo* debitum fundi.

SUMMONDS at the Inſtance of an Heir-male being a Brother, againſt the Heirs of Line, to obtain the Right of the Defunct's (their Father) his Eſtate real and perſonal, Eſtabliſhed in their perſons by Service, retour and confirmed Teſtament, and to make over the ſame in his Favours, conform to the Father and Mother their Contract of Marriage, by which all, alſwell as the Land, was Tailzied to the Heirs-male of the Marriage; whilk failzieing, to the Defunct's Heirs-male whatſoever, and the Daughters of the Marriage only provided to particular Portions; and upon payment whereof, or Security therefore: the Heirs of Line, or Daughters were expreſly bound to Denude, ut ſupra.

CHARLES, Meant and ſhowen to Us, by *M. L. G.* now of *D.* Brother-German and neareſt Heir-male, Served and Retoured to the deceaſt *S. J. G.* of *D.* and thereby having ſufficient good and undoubted Right and Intereſt, to proſecute, follow forth, and purſue the Action after-ſpecified, in manner, upon the Grounds, in the Terms, and to the Effect after-mentioned. That where by Contract Matrimonial, made and paſt betwixt the ſaid deceaſt *S. J. G.* of D. Advocat, (deſigned for the time *M. J. G.* of —— Advocat) on the one part, and *M. A. S.* Siſter-German to *W. E.* of *T.* with the ſpecial Advice and Conſent of *D. M. H.* her Mother, and of the ſaid *W. E.* of *T.* her Brother, (at whoſe Inſtance Execution was thereby appointed to follow thereupon, for Implement of the Clauſe and Conditions therein ſpecified, Conceaved in favours of his ſaid Siſter) and them all with one Conſent and Aſſent on the other part, of the Date the —— day of ——, and —— years. The ſaid deceaſt *S. J. G.* (in Contemplation of the Marriage then Contracted, and thereafter Solemnized betwixt him and the ſaid *M. A. S.*) not only provided her in Liferent, during all the days of her Life-time, to the Lands and others therein mentioned; the way, manner, and of the yearly Duty therein rehearſed: But alſo (with and under the Burden always of the ſaid Liferent) Bound and Obliged him to Provide and Secure, not only the Lands and others ſua Liferented; but alſo the Wodſet-Rights ſtanding in his Perſon, upon the Lands of —, lying within the Parochin of ——, and Sheriffdom of ——, under Reverſion to —— and his Heirs, for the Sum of 16000 Merks or thereby, with the Sum of 14000 Merks, furder due to the ſaid *S. J. G.* upon other Heretable and Moveable Security, extending in hail to the Sum of 30000 Merks *Scots* money, in favours of the ſaid *S. J. G.* himſelf, and the Heirs-male to be Procreat of the ſaid Marriage, betwixt him and the ſaid *M. A. S.* whilks failzieing, in favours of his other Heirs-male whatſomeever: whilks failzieing, to his Heirs or Aſſigneys whatſomever: and to grant all Rights requiſite thereanent, with Warrandice as therein rehearſed. And

in

in caſe the ſaids Wodſet-Rights, or any of them ſhould happen to be Redeemed from him as ſince they were, or if he ſhould uplift any of the Sums due to him upon other Heretable or Moveable Security as ſaid is; Then, and in theſe Caſes, or either of them, he Obliged him and his foreſaids of new again, to employ the ſaids Sums, or ſuch of them as he ſhould happen to uplift, in manner, and to the Effect above-written. And in regard, That by the ſaid *S. J. G.* his Rights and Infeftments of the foreſaids Lands, and alſo by the Condition of the ſaid Contract, the ſame were provided in favours of his Heirs male as ſaid is, wherethrough the Daughters of the ſaid Marriage (if any were) are excluded from all Benefit of Succeſſion to him therein. Therefore it was Agreed and Condeſcended on betwixt the ſaids Parties, That in caſe there were no Heirs-male, but Daughters only, one or moe Procreat of the ſaid Marriage betwixt them; That then the ſaid S. *J. G.* his Heirs-male ſucceeding to him, in the Right of the ſaids Lands, and other Means and Eſtate above-written, ſhould be holden and obliged to pay to the ſaids Daughters one or moe, the ſeveral Portions under-written, in manner, and at the Terms after-ſpecifed; That is to ſay, *If there were but one Daughter, to pay to her the Sum of* 10000 *Merks* Scots-*money*; *and if there were but two Daughters, to pay to them the Sum of* 12000 *Merks betwixt them, whereof* 8000 *Merks to the eldeſt Daughter, and* 4000 *Merks to the ſecond; and if there were three or moe Daughters of the ſaid Marriage, to pay to them the Sum of* 14000 *Merks money foreſaid, to be Proportioned and divided amongſt them, at the ſight, and be the Advice of two of their neareſt of Kin on the Fathers ſide, and other two on the* Mothers *ſide.* And which reſpective Proviſions above-written, the ſaid S. *J. G.* Obliged him and his foreſaids, to pay to the ſaids Daughters at the reſpective Ages of 16 years compleat, or at their reſpective Marriages which of them firſt occurred: and in the mean time, to Educat, Aliment and Maintain them honeſtly and vertuouſly, in Bed, Board, Abulziements, and other neceſſars ſuitable to their Quality and Degree: and alſo to make payment to them, of the Annualrent of their ſeveral Portions and Proviſions aforeſaids, ſo long as the ſame ſhall happen to remain unpayed, after the reſpective Terms above-ſpecified. And in like manner, to Warrand, Relieve, Disburden, and Skaithleſs keep the ſaids Daughters, and their ſaids Patrimonies and Proviſions, from all Actions, Pleas, Proceſs and other Incumbrances whatſomever, which could any ways trouble or affect them as Heirs of Line, or Executors to their ſaid Father, or otherways Repreſenting him or his Predeceſſors: And of all Coſt, Skaith, Damnage, Intereſt or Expenſes, that they, or either of them ſhould happen to ſuſtain or Incur therethrough in time coming: and whilks Patrimonies and Proviſions in favours of the ſaids Daughters, ſhould be in full ſatisfaction to them of all Heirſhip, Moveables, Executry, Portions, natural or Bairns part of Gear, or others whatſomever, that they could ask or crave be and through their Fathers deceaſe any manner of way; Which (with all Action, Inſtance and Purſuite competent to them thereanent) they are (upon payment of their ſaids Proviſions) Holden and Oblidged to Renounce and Diſcharge in favours of the ſaid S. *J. G.* his Heirs-Male, and Aſſigneys above-written. And for the whilks Cauſes, (and on the other part) the ſaid M. A. S. with conſent foreſaid, Conſtitute the ſaid *S. J. G.* his Heirs and Aſſigneys, her lawful Seſſioners and Aſſigneys in and to the Sum of 6000 Merks money foreſaid of Principal, 600 Merks of Penalty, and Annuals of the ſaid principal Sum, forth and frae the Terms of *W.* —— years, and in time coming, during the not payment of the ſame, Contained in a Bond of Proviſion granted to her, by the ſaid *W. E.* of *T.* her Brother, of the Date the —— day of ——, —— years: and in and to the ſaid Bond, with all that might follow thereupon, and ſurrogat them in her full Right thereof for ever, and that in name of Tocher.

Likeas, the ſaid D. M. H. (for the Cauſe ſpecified in the ſaid Contract, and for a ſurder help to her ſaid Daughters Patrimony, and Proviſion aforeſaid) Bound and Obliged her and her Heirs, Executors and Succeſſors, to make good and thankful payment to the ſaid S. *J.* G. and his foreſaids, of the Sum of 1000 Merks money foreſaid, betwixt and the Term of *W.* 1688 but longer delay ; with an 100 pounds money above-written, of liquidat Expenſes in caſe of failzie, and Annualrent thereafter during the not payment, as the ſaid Contract Matrimonial of the Date foreſaidin it ſelf, more fully proports. And true it is, That the ſaid deceaſt S. *J.* G. the time of his deceaſe, (which was in the Month of —— 16 years) had pertaining and adebted to him, the heretable and moveable Bonds, Obligations and Tickets after-ſpecified, granted by the perſons after-named, (containing the ſeveral Sums of money after-mentioned) partly heretable, and partly moveable in their Conception, as is hereafter expreſt, *viz.* (*here Inſert the Bonds, Obligations, and Tickets, and be whom with the principal Sums when payable, with what Penalties, and frae what Term and Time they bear Annualrent, and whether conceaved payable to the Defunct his Heirs and Aſſigneys, (ſecluding Executors (or to him, his Heirs, Executors, or Aſſigneys, or to himſelf ſimply, without mentioning either of theſe, and then ſay*) And ſiklike, the ſaid Defunct the time foreſaid, had pertaining and adebted to him, the Heirſhip, Moveables, Utincils and Domicils, and other moveable Goods and Gear under-written, of the Avails, Quantities, Eſtimations and Prices after-rehearſed, *viz.* (*here inſert all that are proper to be inſert in this place, and then ſay*) And in like manner, the perſons reſpective after-named, were adebted and reſting, owing to the ſaid Defunct the time of his ſaid deceaſe, the Sums of money bygone, Reſts of the Duties of his Eſtate, and others after-ſpecified, (and for which he had no Security, but ſtated in Accompt) ilk ane of them for their own parts, as is hereafter divided, *viz.* (*here Libel all due to the Defunct not by Write, and then ſay*) And to all which Bonds, Obligations and Tickets, both heretable and moveable, Heirſhip, Moveables, Utincils and Domicils, and other moveable Goods, Gear, Debts, Sums of Money, and others above-mentioned, and values of the ſaids Goods, Gear and Reſts. The ſaid Purſuer as Heir of Tailzie foreſaid to his ſaid deceaſt Brother, and by the Conception of the ſaid Contract of Marriage, has ſufficient good and undoubted Right and Intereſt, and the Daughters or Heirs of Line of the ſaid Marriage, (*now terminat in two*, viz. *E. and L. G.*) expreſly obliged (upon payment of their Portions and Proviſions aforeſaid, and which accordingly is ſecured by him to them ſince their ſaid Fathers deceaſe, by ane Contract of Agreement paſt betwixt their ſaid Mother and him, dated the —— day of —— laſt bypaſt) to Renounce and Diſcharge all Right or pretence they have, or can pretend thereto ; or make over the ſame in his favours, as the more Legal and Habile way. And albeit it be of Verity, that the ſaid Purſuer as Heir-male foreſaid, has oft and diverſe times, deſired and required the ſaid *E.* and *L.* as Daughters and Heirs of Line (only now on life) to the ſaid deceaſt S. *J.* G. at leaſt lawfully Charged to enter Heirs of Line to him within 40 days, Conform to the Act of Parliament ; and their Tutors and Curators for their Intereſt, to (6) obtain the Right of the ſaids Bonds, Obligations, Tickets, Debts, Sums of money, Heirſhip, Moveables, Utincils, Domicils, and other Goods and Gear above-ſpecified ; Eſtabliſhed in the perſon of the ſaid *E.* and *L.* as Daughters and Heirs of Line, and likeways as Executors and neareſt of Kin to their ſaid deceaſt Father, and that by Service and Retour, as to ſuch as are heretable, and by confirmed Teſtament, as to ſuch as fall under the compaſs of Teſtament and Confirmation, and to grant Procuratries for that effect in due and competent Form ; And being ſira Eſtabliſhed in their Perſons to denude themſelves of the Premiſſes, as well

well Heretable as Moveable, and Moveable as Heretable, falling under both the ſaids Titles of Heirs and Executors and neareſt of Kin, in favours of the ſaid Purſuer as Heir-Male foreſaid, and of his Heir-Male and Aſſigneys *omni habili modo*; And for that effect, to make grant, ſubſcribe and deliver to him and his foreſaids, ſufficient Aſſignations, Tranſlations, and other Rights and Securities requiſite and neceſſar thereanent, with Warrandice from their own proper Facts and Deeds, and to deliver to him as Heir-Male foreſaid, ſuch of the ſaid Writs, Heirſhip-goods, and other Goods, Gear and others above-mentioned, pertaining to the ſaid Defunct, as they have in their Poſſeſſion, with their own Titles thereto (7) *Nevertheleſs*, they and their ſaids Tutors and Curators, wrongouſly refuſe, Poſtpone and defer to do the ſame, without they be Compelled as is alledged. *Our Will is herefore*, and we Charge you, That you lawfully Summond, Warn and Charge the ſaids *E.* and *L. G. Nominibus paſſivis quibus ſupra*, perſonally, or at their Dwelling-places, on 21 days warning, and their Tutors and Curators if they any have, for their Intereſt, by open Proclamation at the Mercat-Croſs of —— and other places needful, to Compear (*here follow forth the ordinar Stile, and then ſay*) To anſwer at the Inſtance of the ſaid Purſuer, as Heir-male foreſaid in the ſaid Matter; *That is to ſay, the ſaids* E. *and* L. G. *upon the paſſive Titles above-ſpecified*, or ane or other of them, and their ſaids Tutors and Curators for their Intereſt, to hear and ſee themſelves decerned and Ordained by decreet of our ſaids Lords of Council and Seſſion, to (*here take in from the Figure of* (6) *till ye come to the Figure of* (7) *and then ſay*) after the Form and Tenor of the Contract of Marriage, and Conception thereof in favours of the Heirs-Male, Laws and daily Practique of this our Realm, heretofore inviolably obſerved in the like caſes, in all points, or elſe to alledge a reaſonable Cauſe why the ſame ſhall not be done, with Certification to the ſaids Defenders if they failzie, our ſaids Lords of Council and Seſſion will proceed in the ſaid matter, and Decern therein in manner foreſaid. According to Juſtice as ye will Anſwer, *&c.*

Nota, *This Summonds needs no Bill, but upon Bill might have been priviledged upon ſix days, and needed no Continuation, being founded upon the Contract of* Marriage, *and the Paſſive Title, lawfully charged to enter Heirs inſtructed* ſcripto, *by the Letters and Executions.*

Here ends the Third Part of the Stiles.

TO THE COMMISSIONERS OF, And WRITERS to His Majesties Signet;

George Dallas *of* St. Martins, *and one of the Fraternity, Author of the whole Work, (whereof this is the* Fourth Part,) *wisheth all Prosperity and Happiness.*

My dear Brethren,

THE many Diversions and Avocations I had by several Stations, (to which by Providence I was called) and my Interest (besides my Imployments) being so many Obligations upon me to go to the Northern Parts of the Kingdom, once, and sometimes twice a year, did allow of your Number more time (than I could goodly propose to my self) to Interprise and Accomplish a Work of this Nature, and no doubt might have justly acclaimed no less Propriety in it: But (after so many years Patience) finding none like to do it, (and my years increasing) I judged my self (by many Tyes and Obligations,) obliged to leave a Testimony to the present and future Ages, of the Sentiments I have of the singular Kindness and Advantages I was tryst-ed with, from persons of all Ranks and Quality in this Age, and particularly from you, who treated me not only as a Brother, and Son in the Society, but also payed me Deference beyond my Merit: And in Remuneration, have dedicat this (*being the Fourth* PART, *and consisting of Four Branches*) to you my Brethren; And whereas I am informed, the whole Work (by its Method and Advantage thereby accrewing to all Persons) may prejudge the Calling, I must say, it was never so intended, and cannot have that Effect; And many of the more intelligent, (both of Lords of Session, Lawers, and even of your own Number) were of the contrary Opinion when I discoursed with them upon it, for it is an infallible Principle; that speculative Knowledge, (or bare Theory of Matters) without the Practical, is of small Value, and will never produce the true Effects; Whereas all conjoyned, makes a compleat Man in fewer years than formerly in many. And to conclude, I am hopeful ye will be so Charitable as to believe, I have no other Intention than the Good of all, without prejudice to any, and to put Matters out of Doubt, I question not but some of my own Sons will succeed me in my own Station, and were it not so, a publick Good should ever be preferred to privat Interest, and so I Subscribe my self

Your most Affectionat Brother and Servant,

From my Writing-Office,
1688.

GEO. DALLAS.

THE FOURTH

PART

Of the AUTHOR'S System of STILES.

Consisting of Four PARTS.

1 *Of all Letters and others (Summonds excepted, and whereof he has already treated in the Third Part) that pass the Signet only.*

2 *Of what Signatures pass in Exchequer (the Precepts whereof pass the whole Seals) and their divers Kinds, Natures and Forms, whether by Confirmation, Resignation, Apprysing, Adjudication (either in the Creditors Name or his Assigney) Recognition,* Ultimus Hæres, *Bastardy, Forfeiture or otherways; and whether they contain Dissolutions, and new Erections of Earldoms, Lordships, Baronies, Tenendries, with Clauses* de Novo Damus, *Dispensations for taking Seasin at one place for the whole, Erections in Regalities, Burghs of Baronies, Taxing of Waird-Lands and the like.*

3 *Of what passes the whole Seals (that of the Quarter-Seal excepted) and yet not past in Exchequer, as Archbishopricks and Bishopricks.*

4 *Of what Commissions, Remissions, Approbations, and others that pass the Great-Seal* per saltum, *and no other Seal or Register (except the Register at the Chancellary, wherein they must be recorded) and that by an expres's Warrand from the King* in gremio: And so I begin first with Letters passing the Signet (whereof there be some in the First Part of the System, and to be found out by the Index)

LETTERS Passing the Signet, (besides those in the First Part of the Work, called Real and Personal DILIGENCE, *and also Named in the same INDEX.*

CAPTION upon an Horning on a Moveable-Bond.

CHARLES, *&c.* To —— Messengers, *&c.* meaned and shown to us by *G. D.* of —— That where upon the —— day of —— last by past, *A. B.* of —— and *C. D.* of —— were orderly denunced Rebels, and put to the Horn, by vertue of Letters of Horning, raised, used and execute against them, at the Instance of the said Complainer, for not payment making to him of the Sum of —— *scots* Money of Principal, with the Sum of —— Money fore-

 said

ſaid of Liquidat Expenſes, and Annualrent of the ſaid Principal Sum, contained in a Bond made and granted by the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner for him to the ſaid Complainer thereupon, of the date the — day of — 16 — years, Regiſtrat in the Books of Council and Seſſion, the — day of — — years, as the ſaids Letters of Horning and Executions thereof duely regiſtrat, conform to the Act of Parliament ſhown to our Lords of Council and Seſſion have teſtified, under the Proceſs of the whilk Horn, the ſaids *A. B.* and *C. D.* Rebels foreſaids, have continually lyn and abidden ſenſyne, and yet daily and continually Haunt, Frequent, Reſort, and openly repair to Kirks, Mercats, (*here follow furth the Stile of the former Caption in the firſt part of the Work*, pag. 11. *and conclude the ſame as therein, and remember the date of the Bill muſt be the date of the Letters.*

Ex deliberatione Dominorum Concilii.

Nota, *After this I omit all Bills, ſeing the Letters (being inſert) will be a Rule to write the Bill, and this I do* brevitatis cauſa, *to evite Prolixity.*

LETTERS of Horning and Poynding at the Inſtance of the Creditor againſt the Debitors, upon a Heretable Bond, where there is no Requiſition thereby provided but (è contra) *the Debt payable without Requiſition, to be found in the Index of this Part (not the firſt Part as the former Letters are) and has no Bill (becauſe the Bond bears Days.*

CHARLES, *&c.* To Meſſengers, *&c.* Greeting: Forſuameikle as, *A. B.* of — by his Heretable Bond dated the — day of — and — years (6) granted him to have borrowed and received from *G. D.* of — at the Term of — preceeding (notwithſtanding of the date thereof) all and haill the Sum of — uſual Money of this Realm, and for ſecurity whereof he band and obliged him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid *G. D.* his Heirs and Aſſigneys whatſomever heretably, in all and haill an Annualrent of — Money foreſaid (8) as the preſent Annualrent of the ſaid principal Sum (or in any other Annualrent) leſs or more, effeirand and correſpondent thereto, that by the Laws and Acts of Parliament of this Kingdom ſhall happen to be eſtabliſhed within the ſame for the future) yearly to be uplifted, and taken at two Terms in the year, *Whitſunday* and *Martinmas* in Winter, by equal Portions, furth of all and haill the ſaid *A. B.* his Lands of (*here inſert the Lands as in the Bond, and then ſay*) or any Part or Portion thereof, and readieſt Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſame, and that by double Infeftments and manner of Holdings, to be holden with Warrandice, and under Reverſion in manner ſpecified in the ſaid Bond, and of the which Annualrent the ſaid *A. B.* as Principal, and *C. D.* of — as Cautioner for him, band and obliged them conjunctly and ſeverally, their Heirs, Executors and Succeſſors, to make good and thankful payment to the ſaid *G. D.* and his foreſaid, at the ſaids Terms, and by equal Portions as ſaid is, beginning the firſt Terms payment thereof at the Term of —, then next to come (for the Term immediatly preceeding) and ſofurth yearly and termly thereafter at the ſame Terms, and by equal Portions in manner foreſaid, during the not Redemption of the ſaid Annualrent, by vertue of the Reverſion contained in the ſaid Bond, with the Sum of — Money above-written of liquidat Expenſes in caſe of failzie, for ilk an of the ſaids

Terms

Terms, and that by and attour the ſaid Annualrent, and together therewith (7) and in caſe it ſhould pleaſe the ſaid *G. D.* or his foreſaids, rather deſire to have the ſaid principal Sum repayed to them, than to retain the Security above-mentioned, then and in that caſe, the ſaid principal and Cautioner band and obliged them conjunctly and ſeverally, and their foreſaids, to have made payment to them thereof, at the Term of —— 16 and —— years, or at any other Term or Time thereafter, the ſaid *G. D.* or his foreſaids pleaſed, and that but any Requiſition, to be made of before to them for that effect, with the Sum of —— Money foreſaid of liquidat Penalty in caſe of failzie, and that by and attour the ſaid principal Sum, and together therewith, as the ſaid heretable Bond of the date foreſaid, inſert and regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof interponed thereto (9 upon the day and date of thir preſents, Ordaining thir our Letters to be directed thereupon in manner under-written, at more length proports. *Our Will is herefore*, and we charge you Straitly and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner for him, conjunctly and ſeverally, perſonally, or at their dwelling-places, to make payment to the ſaid *G. D.* of the ſaid Sum of ——Money foreſaid of Principal, with the ſaid Sum of——Money above-written, of liquidat Penalty, together with the ordinar Annualrent of the ſaid Principal Sum, of all years and Terms by-gone, reſting, owing, unpayed; and ſicklike yearly and termly in time-coming during the not payment thereof, with the ſaid Sum of —— of liquidat Penalty for each Terms failzie in not payment of the ſaid Annualrent (the Terms of payment of the ſame being firſt come and bygone) after the Form and Tenor of the ſaid heretable Bond, and Decreet interponed thereto, in all points, within —— days, (*here fill up the days contained in the Bond, whether ſix, Ten or Fifteen*) next after they be charged by you thereto, under the pain of Rebellion, and putting of them to our Horn, (*after this follow furth the Stile of the Horning in the firſt part of the Work* page (8) and conclude with, *According to Juſtice as ye will Anſwer*, &c. *Per Decretum Dominorum Concilii.*

Nota, *theſe Particulars are to be obſerved.* 1. *The date of the Regiſtration of the heretable Bond is to be the date of thir Letters.* 2. *If the Bond have not days ſuch as Six, Ten, or Fifteen,* (*but in Form as effeirs*) *then it muſt have a Bill to ſupply that defect, and in that caſe admits of theſe Alterations, whereas above the* Will *it ſays, that the Bond is regiſtrat upon the Day and Date of thir preſents, ye muſt* (*in place of theſe words*) *condeſcend upon the Day, Month, and Year, and next in the Bill, in place of theſe words in the former Letters* at more length proports, *ye may ſay* preſent to ſhew bears, *for the Bill* (*by Production of the Bond*) *muſt be inſtructed, within that caſe after the words* according to Juſtice, *ye muſt add theſe words*, becauſe the Lords have ſeen the regiſtrat Bond above-written; *and then ſay as ye will anſwer*, &c. *And add in place of* per Decretum, Ex Deliberatione Dominorum Concilii, *and remember that the date of the Bill muſt be the date of thir Letters, and that thir Letters muſt bear to make payment of the Sums within fifteen days* (*which the Law appoints*) *when the Bond bears no ſpecifick day, as Six, Ten, or Fifteen* ut ſupra; *And in caſe any of the Debtors be out of the Kingdom, they muſt be charged on Sixty Days at* Edinburgh Croſs *and Peir of* Leith, *and paſſes by Bill; And laſtly, whereas the former Letters* (*becauſe they want a Bill*) *bear* Forſuameikle as *A. B.* by his heretable Bond, &c. *in thir Letters* (*becauſe they have a Bill*) *ye muſt ſay*, Forſuameikle as it is humbly meant and ſhown to us by *G. D.* of —— That whereas *A. B.* of —— by his heretable Bond, dated the, &c.

as in the former Draught, only throughout all the Letters (after first naming of the Creditor) call him Complainer, *and not by his Name, becauſe there is a Bill as ſaid is, and let this Method be obſerved in all ſuch Caſes, and to which I refer you.*

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meined and ſhown to Us, by G. D. of —— That where upon the —— day of --- laſt by-paſt, *A. B.* of — and *C. D.* of --- were orderly denunced Rebells, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt them, at the Inſtance of the ſaid Complainer, for not payment making to him of the Sum of --- *ſcots* Money of Principal, and of the Sum of --- Money foreſaid of liquidat Expenſes incurred through not payment thereof, together with the ordinar Annualrent of the ſaid Principal Sum, and the Sum of --- Money above-written of liquidat Penalty for ilk Terms failzie in not payment of the ſaid Annualrent, ſpecified and contained in a heretable Bond granted by the ſaid *A. B.* as Principal, and the ſaid *C. D* as Cautioner for him, conjunctly and ſeverally, to the ſaid Complainer thereupon, of the date the --- day of ... and — years, Regiſtrat in the Books of Council and Seſſion, the --- day of --- laſt by-paſt, as the ſaids Letters of Horning, and Executions thereof duly Regiſtrat, conform to the Act of Parliament, ſhown to our Lords of Council and Seſſion have teſtified, under the Proceſs of which Horn. the ſaid *A. B.* and *C. D.* Rebels foreſaids, have continually lyn and abidden ſenſyne, and yet dayly and continually haunt, frequent, reſort, and openly repair to Kirks, Mercats, and other privat and publick Places and Companies within this Kingdom, as if they were free perſons therein, and no ſuch Proceſs of Horning Led and deduced againſt them, in the ſaid matter, in high contempt of us, our Authority and Laws, and in evil Example to others to commit the like in time-coming, without Remeed be provided thereto, as is alledged. *Our Will is herefore*, and we charge your ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the Sheriffs of the Sheriffdoms of --- the Provoſt and Baillies of the Burrows of ——, the Baillies of the Regalities and Stewartries of ——, and all other Judges ordinar within this our Realm, and all their Deputs, and alſe Meſſengers at Arms, our Sheriffs in that part, to paſs, Search, Seek, Take and Apprehend the ſaids *A. B.* and *C. D.* Rebels foreſaids, wherever they may or can be apprehended, within the Bounds of their Offices and Juriſdictions, and being apprehended therein, to put, keep, detain and withhold them in ſure Waird, Firmance and Captivity within their Tolbooths, and others their warding places, and not to ſuffer them to eſcape furth thereof, but conſtantly to remain and abide therein upon their own proper Charges and Expenſes, ay and while they have fulfilled and obyed the Command and Charge of our ſaids Letters of Horning, and be orderly freed and relaxed from the Proceſs of Horning therein contained, and that within three days next after they be Charged by you thereto, under the pain of Rebellion, and putting of them to our Horn, with Certification to them if they failzie, our other Letters will be direct, charging them thereto *ſimpliciter*, and if thir our Letters be put to Execution within the Burgh of *Edinburgh*, that the Concurrance of the Magiſtrats thereof be had and obtained thereto, according to Juſtice, becauſe the Lords have ſeen the Regiſtrat Horning above-written; As ye will Anſwer to us thereupon (*Conclude in the ordinary way, but let the date of the Bill be the date of the Letters, and then ſays,*

Ex deliberatione Dominorum Concilii.] —*LETTERS*

LETTERS of Horning and P. on an heretable Bond, for payment of the Annualrent and Termly penalties, (albeit the payment of the principal Sum be ſuſpended for ſome years.)

CHARLES, *&c.* To *&c.* Meſſengers *&c.* Greeting; Forſuameikle, as *A. B.* of —, by his heretable Bond of the date the — day of —, and — years; (*here take in the Narrative of the former Horning from the 6 Figure to the 7 Figure, and then ſay*) as the ſaid heretable Bond of the Date foreſaid, Inſert and Regiſtrat in our Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the day and date of thir Preſents; Ordaining thir our Letters to be Direct thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we Charge you ſtrictly and Command, That incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner, conjunctly and ſeverally, perſonally, or at their dwelling-places, to make payment to the ſaid *G. D.* of the Annualrent of the ſaid principal Sum, of all years and Terms bygone, reſting, owing, unpayed, and ſicklike; yearly and Termly in time coming, during the not payment thereof, with the ſaid Sum of — money foreſaid of liquidat Penalty, for each Terms failzie in not payment of the ſaid Annualrent, (the Terms of payment of the ſame being firſt come and bygone) after the Form and Tenor of the ſaid heretable Bond and Decreet interponed thereto, in all points, and but prejudice always to the ſaid *G. D.* and his foreſaids, of the ſaid principal Sum it ſelf, and all Diligence and Execution competent, or that may be competent therefore, at the Term of payment thereof ſpecified in the ſaid Bond, or at any other time thereafter they pleaſe; and for the Penalty therein contained if incurred, conform to the Tenor thereof alſo in all points) within — days, (*which is to be filled up alſo, according to the Bond*) next after they be Charged be you thereto, under the pain of Rebellion. (*After this conclude the Horning and P. according to the Stile in the firſt part of the Work, page 8. only let the date of the Regiſtration of the Bond be the date of the Letters, and then ſay*)

Per Decretum Dominorum Concilii.

Caption upon the ſaid Horning.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meant and ſhowen to us by *G. D.* of —; That where upon the — day of — laſt by paſt, *A. B.* of —, and *C. D.* of —, were orderly denounced Rebels and put to our Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt them at the Inſtance of the ſaid Complainer, for not payment making to him of the Annualrent of the principal Sum of — *Scots* money, reſting frae the Term of — 1600 and — years, to the Term of — laſt by paſt, with the Sum of — money foreſaid of liquidat Penalty, for each Terms failzie in not payment of the ſaid Annualrent, Conform to an heretable Bond granted by the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner for him, conjunctly, and ſeverally, to the ſaid Complainer thereupon, of the date the — day of — and — years, Regiſtrat in the Books of Council and Seſſion the — day of — and — years, as the ſaids Letters of Horning, with the Executions

thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion, have teſtified; under the Proceſs of the which Horn, the ſaid *A. B.* and *C. D.* Rebels foreſaid, have continually layen and abidden ſinſyne, and yet dayly and continually Haunt, Frequent, Reſort and openly Repair to Kirks, Mercats. (*After this follow forth the Stile of the Caption in this Part, page 398, only let the date of the Bill be the date of the Letters, and then ſay*) Ex Deliberatione Dominorum Concilii.

HORNING and P. on an heretable Bond bearing Requiſition; and according to which Requiſition was made.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meant and ſhowen to us by *G. D.* of ----; That where *A. B.* of ----, by his heretable Bond dated the --- day of - --, and ---- years; granted him to have borrowed and received from the ſaid Complainer, at the Term of ---- preceeding, (notwithſtanding of the date thereof) all and haill the Sum of ----, uſual money of this Realm; and for Security whereof, he Bound and Obliged him, his Heirs and Succeſſors, duely and ſufficiently to Inſeft and Seaſe the ſaid Complainer, his Heirs and Aſſigneys whatſomever, heretably, in all and haill: (*here take in the Narrative of the Horning in this part, page 394, from the Figure of 8 to the 7 Figure, and then ſay*) and in caſe it ſhould pleaſe the ſaid Complainer, or his foreſaids rather deſire to have the ſaid principal Sum repayed to them, than to retain the Security above-mentioned; then and in that caſe, the ſaid Principal and Cautioner Bound and Obliged them conjunctly and ſeverally, and their foreſaids, to have made payment to them thereof at the Term of - --, even 16 — and ---- years; or at any other Term of *Whitſunday*, even or *Martinmaſs*, even (*this muſt be always ruled be the Bond as to the Terms*) thereafter they pleaſed upon lawful Requiſition of —— days, of before (*which alſo muſt be ruled by the Bond*) to be made by them to the ſaid Principal and Cautioner, and their foreſaids for that effect perſonally, or at their dwelling places for the time, in preſence of a Nottar and Witneſſes as effeirs, with the Sum of —— money foreſaid of liquidat Penalty in caſe of failzie, and that by and attour the ſaid principal Sum, Annualrents thereof reſting for the time, Termly Penalties thereof above-ſpecified, and together therewith, as the ſaid heretable Bond of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the —— day of ——, and —— years; Ordaining thir our Letters to be Direct thereupon in manner under written, ſhowen to our Lords of Council and Seſſion has teſtified. And conform to the which Bond and Clauſe of Requiſition therein contained, the ſaid Complainer upon the —— day of —— laſt by paſt, lawfully required the ſaid Principal and Cantioner, to make payment to him of the ſaid principal Sum, at the Term of ——, even then next to come, now alſo laſt by-paſt, with the Annualrents that ſhould be then reſting, and termly Penalties above-expreſt; and proteſted that if they failzied therein, they ſhould be lyable in payment to him, and Incur the ſaid Penalty of —— money above-written, Conform to the ſaid Bond and Clauſe of Requiſition therein contained in all Points, as Authentick Inſtruments taken thereupon, in the hands of *J. M.* Nottar-Publick; likeways ſhowen to the ſaids Lords have teſtified. And albeit it be of verity, That lawful Requiſition was made to the ſaid Principal and Cautioner in manner foreſaid, and that the ſaid Complainer has oft and diverſe times, deſired and required them to make payment to him of the ſaid principal Sum, with the Annualrents thereof, Termly

Failzied

Failzies and Penaltie above-mentioned, as Incurred by them through not timeous payment as ſaid is; Nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be Compelled as is alledged. *Our Will is therefore*, and we Charge you ſtrictly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner, conjunctly and ſeverally, perſonally, or at their dwelling-places, to make payment to the ſaid Complainer, of the ſaid Sum of —— money foreſaid of Principal, with the ordinar Annualrent thereof, of all years and Terms bygone, reſting, owing, unpayed and ſicklike, yearly and termly in time coming, during the not payment thereof; as alſo, to make payment to him of the termly Failzies and Penalty above-mentioned, Incurred be them through not timeous payment thereof, the Terms of payment of the ſaid Annualrent being always firſt come and bygone, after the Form and Tenor of the ſaid heretable Bond, Decreet interponed thereto, and Inſtrument of Requiſition made Conform to the ſame in all Points, within —— days (*which is to be ruled by the Bond*) next after the Charge, under the pain of Rebellion, and putting of them to our Horn, (*after this follow forth the Style of the other Horning and Poinding, only after the words of the Poinding, when ye write after the Form and Tenor of the ſaid Bond Decreet interponed thereto, add, and Inſtrument of Requiſition in all points, and then Conclude with*) According to Juſtice, becauſe the Lords have ſeen the Regiſtrat Bond, and Inſtrument of Requiſition above-written, as ye will anſwer to us thereupon, *&c.* (*And let the date of the Bill be the date of the Letters.*)

Ex Deliberatione Dominorum Concilii.

Nota, *That in caſe the Bond have not days, (but in Form as effeirs) thir Letters muſt be on fifteen days.* 2. *If the* Debitors *be forth-with the Kingdom, the Requiſition muſt be uſed at* Edinburgh-Croſs, *and* Peir *of* Leith *on ſixty days, by a Supplement which ye will find in the* Index *of this part of the work, and not at their dwelling-houſe or upon fewer days, albeit the Bond bears ſo.*

CAPTION on the ſaid Horning.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meant and ſhewen to us be G. D. of ——; That where upon the —— day of — laſt by paſt, A. B. of ——, and C. D. of —— Principal and Cautioner after-ſpecified, were orderly denunced Rebels, and put to our Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute at the Inſtance of the ſaid Complainer againſt them, for not payment making to him of the Sum of — *ſcots* money of Principal, with the Sum of — money foreſaid of Expenſes and Annuals of the ſaid principal Sum; together with the Sum of —— money above-written, for ilk Terms failzie in not payment of the ſaid Annualrent, Conform to an heretable Bond granted be the ſaid *A. B.* as Principal, and the ſaid C. D. as Cautioner, conjunctly and ſeverally to the ſaid Complainer thereupon, of the date the —— day of ——, 16--- and ——— years, Regiſtrat in the Books of Council and Seſſion the ---- day of ---- laſt by paſt: and which Bond, bears a Clauſe of Requiſition towards the payment of the ſaid principal Sum, and Conform whereunto, the ſaid Complainer upon the ---- day of ——— laſt by paſt, lawfully required the ſaid Principal and Cautioner, to have made payment to him of the ſaid principal Sum, at the Term of — even then next to come, now

alſo inſtly paſt, with the Annualrents that ſhould happen to be then reſting, and termly Failzies thereof; and proteſted, That if they failzied therein, they ſhould by lyable for, and incur the ſaid Penalty of —— money above-written, attour the ſaids Sums: and together therewith, and authentick Inſtruments taken thereupon, in the hands of *J. M.* Nottar Publick, as the ſaids Letters of Horning, and Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion, has teſtified: under the Proceſs of the whilk Horning, the ſaid *A. B.* and C. D. Rebels foreſaids, have continually layen and abidden ſenſyne; and yet dayly and continually haunt, frequent, reſort, and openly repair to Kirks, Mercats; (*after this, follow forth the Stile of the former Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters, and ſo Conclude with*)

Ex Deliberatione Dominorum Concilii.

HORNING and Poynding on a heretable Bond, for payment of the haill Sums, albeit the Term of payment of the principal Sum (at firſt prefixed by the Bond be not come) and that becauſe by a Proviſion in the Bond, in caſe any other uſed Real Diligence, or Annualrents not payed (ſo as two Terms run in the Third, or the like) then the Debitor is bound to pay the haill Sums after any ſuch Real Diligence or Failzioun, and ſubſums in the Terms of the Bond, that Real Diligence is uſed by another Creditor, and Annualrents not payed.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* meaned and ſhown to us, by G.D. of —— That where *A. B.* of ---- by his heretable Bond, of the date the --- day of ---- and ---- years (*here take in the Narrative of the Horning*, page 394 *from the 6 Figure till ye come to the 7 Figure, and then ſay*) And in caſe it ſhould pleaſe the ſaid Complainer, or his foreſaids, rather deſire to have the ſaid principal Sum repayed to them, than to retain the Security above-mentioned, then and in that caſe, the ſaid Principal and Cautioner band and obliged them, conjunctly and ſeverally, and their foreſaids, to have made payment to them thereof at the Term of — Even, 16 and —— years, or at any other Term of *Whitſunday Even* or *Martinmaſs* Even, (this muſt be always ruled by the Bond as to the Terms) thereafter they pleaſed upon lawful Requiſition of ——days of before (which alſo muſt be ruled by the Bond to be made by them to the ſaid Principal and Cautioner, and their foreſaids for that effect, perſonally, or at their dwelling places for the time, in preſence of a Nottar and Witneſſes as effeirs, with the Sum of ——Money foreſaid of liquidat Expenſes in caſe of failzie, and that by and attour the ſaid principal Sum, Annualrents thereof reſting for the time, termly Penalties thereof above-ſpecified, and together therewith, and however the payment of the ſaid principal Sum be ſuſpended, until the ſaid Term of —— Even, ——years, yet in caſe any other perſon or perſons who were or might be Creditors to the Principal and Cautioner (or either of them) ſhould happen to uſe Real or Perſonal Diligence againſt them, or their foreſaids, at any time before the ſaid Term, ſo that the Complainer or his foreſaids by the Suſpenſion and Continuation above-ſpecified (meerly done out of favour) might be prejudged of their juſt Debt, or in caſe the ſaid Principal and Cautioner, or their foreſaids ſhould happen to fail and be Deficient in punctual payment of the ſaid Annualrent Termly as ſaid is, or at leaſt ſuffer two Terms to Run in the third, (and the Annualrent not payed) then and in either of theſe Caſes it ſhould be lawful to, and in the power of the ſaid Complainer and his foreſaids, to uſe Diligence Real and perſonal upon the ſaid Bond for payment of the foreſaid

Sums

Sums, even as if the Term firſt prefixed were elapſed, and Requiſition made accordingly; and now as then, and then as now, the ſaid Principal and Cautioner, Bound and obliged them conjunctly and ſeverally, and their foreſaids, to make payment to the ſaid Complainer and his foreſaids, of the ſaid principal Sum, Annualrents thereof, and termly Penalties incurred, and that immediatly upon any ſuch Diſtreſs againſt them, from any other Creditor or Creditors of theirs, and Intimation made be the Complainer or his foreſaids, to them and their foreſaids thereof; or upon their failzieing in punctual payment of the ſaid Annualrent termly as ſaid is, (or at leaſt their ſuffering two Terms to run in the third in manner above expreſt) with the ſaid Sum of —— money foreſaid of liquidat Penalty in caſe of failzie, and that by and attour the payment of the other Sums, Principal, Annualrents and termly Failzies abovementioned; and together therewith, as the ſaid heretable Bond of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof, Interponed thereto, upon the —— day of —— laſt by paſt, Ordaining thir our Letters to be direct thereupon in manner afterſpecified, ſhowen to our Lords of Council and Seſſion, has teſtified. And true it is, That there being Diligence by Horning and Adjudication, uſed againſt the ſaid Principal and Cautioner, at the Inſtance of *H. D.* of — one of their Creditors, the ſaid Complainer made due and lawful Intimation to them thereof, and proteſted they were lyable in payment to him of the ſaid haill Sums, conform to the ſaid poſterior Clauſe and Obligement, contained in the ſaid Bond; notwithſtanding, the Term at firſt prefixed (and given out of favour) was not yet come, as authentick Inſtruments taken thereupon, in the hands of *J. H.* Nottar Publick, alſo ſhowen to our ſaids Lords of Council and Seſſion have teſtified; nevertheleſs, they wrongouſly refuſe, poſtpone and defer to make payment to the ſaid Complainer of the ſaids Sums, without they be compelled as is alledged. *Our Will is herefore*, and we Charge you ſtraitly, and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority Command and Charge the ſaid *A. B* as Principal, and the ſaid *C. D.* as Cautioner, conjunctly and ſeverally, perſonally or at their dwelling places, to make payment to the ſaid Complainer, of the ſaid Sum of — money foreſaid of Principal, with the ordinary Annualrent thereof, of all years and Terms bygone, Reſting, owing, unpayed; and ſicklike, yearly and termly in time coming, during the not payment thereof, the Terms of payment of the ſame, being always firſt come and bygone; together alſo with the termly Failzies and Penaltie above-mentioned, contained in the ſaid heretable Bond after the Form and Tenor thereof, Decreet interponed thereto, and Inſtrument of Intimation above-ſpecified in all points, within —— days (to be regulat by the Bond) next after the Charge, under the pain of Rebellion, and putting of them to our Horn. (*After this follow forth the Stile of the Letters according to the former Stile, only after the Poynding, let the* (after the Former and Tenor *be* ut ſupra, *and then ſay*) According to Juſtice; *becauſe the Lords have ſeen the Regiſtrat Bond and Inſtrument of Intimation above-written*, as ye will Anſwer to us thereupon, *&c. And let the date of the Bill be the date of the Letters, and Conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *it is fit the Intimation be made before Regiſtration of the Bond, for till then Execution is not competent.*

Nota, *if two Terms run in the third, and the Annualrents not payed, the like Horning and Poynding may be raiſed for the whole Sums, (being the other Alternative in the Bond) and there is no Alteration, but to ſubſume that the Annualrents are for ſuch Terms reſting, and the firſt Al-*

ternative (as to Diligence from other Creditors, and Inſtrument of Intimation) may be omitted all alongſt ; Nor did I ever ſee any Bond with this Quality, except one or two, and the Sum was conſiderable.

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meant and ſhowen to us be G. D. of —, That where upon the — day of —, *A. B.* of —, and *C. D.* of —, were orderly denounced Rebels, and put to our Horn, be vertue of Letters of Horning, Raiſed, uſed and Execute againſt them, at the Inſtance of the ſaid Complainer, for not payment making to him, of the Sum of — *ſcots* money of Principal, — money foreſaid of Expenſes, and Annuals of the ſaid principal Sum, with the Sum of — money above-written, for ilk Terms failzie thereof, Contained in an heretable Bond made and granted be the ſaid *A. B.* as Principal, and the ſaid *C. D.* as Cautioner for him, conjunctly and ſeverally to the ſaid Complainer, thereupon of the date the — day of —, — years, whereby they obliged themſelves conjunctly and ſeverally; notwithſtanding of the Continuation of the payment of the ſaid principal Sum, till a certain Term yet to come) Yet if any other of their Creditors, uſed Diligence real or perſonal againſt them for a Debt then due, or to be Contracted by them ; That then and in that caſe, they ſhould pay to him the ſaid principal Sum, Annualrents and termly Failzies, upon Intimation made to them by him of any ſuch Diſtreſs, with the ſaid Sum of — money foreſaid of Penalty in caſe of Failzie, and that by and attour the ſaids other Sums, and together therewith : And accordingly they being diſtreſt, and Diligence uſed againſt them be — one of their Creditors, there was lawful Intimation made to them thereof under Form of Inſtrument, in the hands of *J. M.* Nottar Publick, upon the — day of —: and which heretable Bond is Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the --- day of ---, as the ſaids Letters of Horning, and Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to the ſaids Lords have teſtified: under the Proceſs of the which Horn, the ſaid *A. B.* and *C. D.* Rebels foreſaids, have continually layen and abidden ſenſyne, and yet dayly haunt, frequent, reſort, and openly repair to Kirks, Mercats, *&c.* (*After this follow forth the Stile of the former Caption page* 399 uſque ad finem, *only let the date of the Bill be the date of the Letters, and Conclude with)*

Ex Deliberatione Dominorum Concilii.

INHIBITION on the ſaid Heretable Bond, which bears not Requiſition.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meaned and ſhown to Us, by G. D. of —, That where *A. B.* of — by his heretable Bond, of the date the — day of — — years, granted him to have borrowed and received from the ſaid Complainer, at the Term of — preceeding (notwithſtanding of the date thereof) all and haill the Sum of — *ſcots* Money, and for ſecurity thereof, band and obliged him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid Complainer, his Heirs and Aſſigneys whatſomever heretably, in all and haill an Annualrent of — Money foreſaid, (*here take in the Narrative of the Horning from the Figure* (8) *to the Figure*

(9)

(9) *in this part, Page 394 and then ſay*) upon the --- day of --- --- years, Ordaining Letters to be direct thereupon in manner therein-ſpecified, ſhown to our Lords of Council and Seſſion has teſtified, and the ſaid Principal and Cautioner knowing perfectly, that the ſaid Complainer is to ſuite all manner of Execution, both Perſonal and Real againſt them, upon the ſaid heretable Bond, for Implement thereof, and payment making to him of the foreſaids Sums therein-contained, they (in manifeſt Defraud, Hurt and Prejudice of him thereanent) intend (as he is informed) to Sell, Annalzie, Wadſet, Diſpone, *&c.* (*after this follow furth the Stile of the Inhibition*, See firſt part of the Work, Page 18 *uſque ad finem, with theſe two Alterations.* 1. *In place of theſe Words* (in the former) *anent the Implement and fulfilling to the ſaid Complainer of the Bond, Decreet, and Bond of Cautionry* (in the Will) *ye muſt ſay in this*, Anent the Implement and fulfilling to the ſaid Complainer of the ſaid heretable Bond, and payment making to him of the foreſaids Sums of Money Principal, Annualrents, Termly Failzies, and Expenſes above-ſpecified therein-contained. 2. After according to Juſtice, *ſay only*, becauſe the Lords have ſeen the Regiſtrat Bond above-written, as ye will Anſwer, *&c.* and make the date of the Bill the date of the Letters, *and conclude with*

Ex deliberatione Dominorum Concilii.

Nota, *As a Rule for Inhibitions upon all heretable Bonds, whether by way of Annualrent out of Lands, or by an Obligement to Infeſt in the Lands themſelves, or that they bear the Obligement of payment upon Requiſition, or in the other caſe above-mentioned of Diligence uſed be other Creditors, or failzeing in payment of the Annualrent there is no diffiiculty, if ye make a faithful Narrative, whether in all, or either of the ſaids caſes, according to the ground thereof, and as to the remaining part of the Inhibition, it goes in courſe, only theſe words anent the Implement, Let it be according to the ground upon which raiſed, and after according to Juſtice, inſert the Becauſe according to the Deliverance on the back of the Bill, the Date whereof muſt be always the Date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

HORNING and Poynding on a Contract of Wadſet after Requiſition.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* meaned and ſhown to us by *M. J B.* of ——— That where Q. by the Contract of Wadſet made and paſt betwixt *C. M.* of ---heretable Propriator of the Lands and others after-ſpecified on the one part, and the ſaid Complainer on the other part, of the date the --- day of --- 16 and --- years, the ſaid *C. M.* (for the Sum of ---*ſcots* Money, then advanced, payed and delivered to him by the Complainer) Sold, Annalzied, Wadſet and Diſponed to the ſaid Complainer, and to his Heirs and Aſſigneys therein-ſpecified whatſomever heretablie, all and haill (*here inſert the Lands and others contained in the diſpoſitive Clauſe, and then ſay*) and band and obliged him, his Heirs and Succeſſors, duely and ſufficiently to Infeſt and Seaſe the ſaid Complainer and his foreſaids heretably therein, by double Infeftments and manner of Holdings to be holden with Warrandice, and under Reverſion, in manner ſpecified in the ſaid Contract, which contains divers other Obligements, Articles and Clauſes, conceived in favours of the ſaid Complainer and his foreſaids; and particularly, that in caſe it ſhould pleaſe the ſaid Complainer and his foreſaids, rather deſire to have the ſaid Principal Sum of ——— Money foreſaid repayed to them, than to retain the

Security and Wadſet above-mentioned, then and in this caſe, the ſaid *C. M.* band and obliged him and his foreſaids, to have made payment to the ſaid Complainer and his foreſaids thereof at the Term of —— Even, 16, *&c.* and —— years, or at any other Term of —— Even thereafter they pleaſed, upon lawful Requiſition of —— days of before, to be made by the ſaid Complainer or his foreſaids to them for that effect, perſonally, or at their dwelling places for the time, in preſence of a Nottar and Witneſſes as effeirs, with the Sum of —— Money above-written of liquidat Expenſes in caſe of failzie, and that by and attour the ſaid Principal Sum, and together therewith, as the ſaid Contract of the date foreſaid inſert and regiſtrat in the Books of Council and Seſſion, and a Decreet of our Lords thereof interponed thereto, upon the —— day of —— Ordaining thir our Letters to be direct thereupon in manner after-ſpecified, ſhown to the ſaids Lords has teſtified, and conform to the which Contract and Clauſe of Requiſition therein contained, the ſaid Complainer upon the —— day of —— laſt bypaſt, lawfully required the ſaid *C. M.* to provide, and have in readineſs the ſaid principal Sum of —— Money foreſaid, again the Term of —— Even then next to come (4) and to make payment to him then thereof (6) and proteſted that if he failzied therein, he and his foreſaids ſhould be lyable for, and in payment of the ſaid Penalty of —— Money fore aid, contained in the ſaid Clauſe of Requiſition, attour the payment of the ſaid principal Sum, and together therewith, as authentick Inſtruments taken thereupon in the hands of —— Nottar publick, alſo ſhown to our ſaids Lords of Council and Seſſion have teſtified (5) And albeit it be of verity, that Requiſition was lawfully made as ſaid is, and that the Term be elapſed, and that the ſaid Complainer has oft and divers times deſired and required the ſaid *C. M.* to have made payment to him of the ſaid principal Sum (7) and Penalty aforeſaid incurred by him, through not timeous payment thereof; Nevertheleſs, he wrongouſly refuſes, poſtpones and defers to do the ſame, without he be compelled, as is alledged. *Our Will is herefore*, and we charge you ſtraitly and Command, that incontinent this our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. M.* perſonally, or at his dwelling-place, to make payment to the ſaid Complainer of the ſaid Sum of —— Money foreſaid of Principal (8) with the ſaid Sum of —— Money above-written of liquidat Penalty incurred by him through not timeous payment thereof, after the Form and Tenor of the ſaid Contract of Wadſet, Decreet interponed thereto, and Inſtrument of Requiſition above-ſpecified, in all Points, within —— days, (to be ruled according to the days of the Contract, and if no ſpecifick days therein, but in Form as effeirs, make it 15 days) next after he beis charged by you thereto, under the pain of Rebellion, and putting of him to our Horn, *after this, follow furth the Stile of an ordinary Horning and Poynding, till ye come to theſe words (after the Poynding, after the Form and Tenor) and then ſay*, After the Form and Tenor of the ſaid Contract of Wadſet, Decreet interponed thereto, and Inſtruments of Requiſition above-ſpecified, in all Points according to Juſtice, becauſe the Lords have ſeen the Regiſtrat Contract of Wadſet, and Inſtrument of Requiſition above-written, as ye will anſwer to us thereupon, *&c. and let the date of the Bill be the date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *Some Contracts of Wadſet bear in the Clauſe of Requiſition, not only the payment of the Principal Sum, but alſo of that Terms Annualrent to which Requiſition ſhall be uſed, and the Reaſon is good, becauſe the Wodſetter gets not that Cropt, and years Duty wherein Requiſition is uſed,*

ſed, and if that Clauſe be in it, Inſert the ſame after this (6) *figure, and likeways at the Figure of* (7) *in the Subſumption, and at the Figure of* (8) *in the Will.*

Nota, *Some Contracts of Wadſet bear the Biggings or Buildings to be valued at the Wadſetters Entry, to a certain Sum, and if* meliorat, *the Heretor bound to pay the* Melioration *to the Wadſetter, who at his Removal cauſes Compryſe the Bigging, and by which the* Melioration *is known, and if the Contract be ſo conceived, it is fit after this* (5) *figure, both the Appryſings be mentioned, and in effect produced with the* Bill (*as the Warrand of the Letters in the Terms of the Contract*) *and without which* (*as to that part*) *there can be no ſpecial Charge, and it is probable the words of the Contract may be theſe*; And it is hereby agreed, that as the Biggings of the ſaids Lands is now appretiat to the Sum of —— M. *ſcots* Money, ſo if it ſhould happen the ſaid Complainer to *Meliorat* the ſame, and ſo found by the Eſtimation of — honeſt Men, then and in that caſe, the ſaid *C. M.* binds and obliges him to make payment to the ſaid *M. J. B.* and his foreſaids, of the ſaid *Melioration* at the Term of the Redemption, *and ſome Contracts bear the ſaid* Melioration, *not exceeding the Sum of* ——— ſcots *Money, which is a Stinting and Taxing of of the general Clauſe, and without which the Wadſetter might for his own Accomadation* (*if not out of prejudice*) *wair a great deal of Money, But as to this Poynt, I refer you ſtill to the Contract, which muſt be the Rule, in the one caſe or other, and would be ſo preciſely obſerved by the Writer who ſubſcribes, and muſt be anſwerable for the Formality and Legality of* Bill *and Letters, and ſuppoſing the Clauſe aforeſaid may be in the Contract, as the laſt Appryſing of the Buildings, muſt be immediatly after the Term, to which Requiſition is uſed, ſo ye would write that part of the Horning, and ſubjoyn the ſame immediatly to that Clauſe of the Contract, thus, & form to which Aggreement and Obligement, the Biggings of the ſaids Lands were at the Complainers Entry appretiat to the Sum of Money foreſaid and after the ſaid Term* (*to which Requiſition was uſed in manner foreſaid*) *the ſame were of new appretiat by honeſt Men, to the Sum of* —— *Money above written, whereby it is clear the* Melioration *amounts and extends to the Sum of* —— *Money above ſpecified, as both the ſaids Appretiations likeways ſhown to the ſaids Lords have teſtified.*

Nota, *If a Terms Annualrent be due, let it be mentioned at the* 4 *Figure.*

Nota, *In the caſe foreſaid, both in the Subſumption of Bill and Letters, add the Sum of the* Melioration *after the Annualrent* (*and before the Penalty*) *at the* 7 *and* 8 *Figures.*

CAPTION upon the ſaid Horning for Principal *Sum, Terms Annualrent and* Melioration, *with the* Penalty (*ſuppoſing the Annualrent and Melioration may be due*) *and in the Horning, and charged for.*

CHARLES, *&c.* To Meſſengers, *&c.* Meaned and Shown to us, by *M. J. B.* of —— That where upon the —— day of —— laſt by-paſt, *C. M.* of —— was orderly denunced Rebel, and put to our Horn, by vertue of Letters of Horning, raiſed, uſed and Execute againſt him, at the Inſtance of the ſaid Complainer, for not payment making to him of the Sum of --- *ſcots*

Money of Principal (for which the ſaid *C. M.* wadſet to him the Lands of —— in manner ſpecified in the Contract of Wadſet after-mentioned) with the Terms Annualrent thereof, to which Requiſition was made in manner after-expreſt, and of the Sum of -- Money foreſaid, due for the Melioration of the ſaid Bigging, with the Sum of —— Money above-written, of liquidat Penalty, ſpecified and contained in a Contract of Wadſet, made and paſt betwixt them thereanent, of the date the —— day of —— years, Regiſtrat in the Books of Council and Seſſion, the —— day of —— 16 —— years, and in the Appretiation made anent the ſaid Melioration, dated the —— day of —— alſo laſt bypaſt, and Inſtrument of Requiſition made conform to the ſaid Contract, for payment of the ſaids Sums upon the -- day of -- to the Term of --- Even, then next to come, now laſt bypaſt, as the ſaids Letters of Horning, and Executions thereof duely Regiſtrat, conform to the Act of Parliament ſhown to our Lords of Council and Seſſion have teſtified, under the Proceſs of the whilk Horn, the ſaid *C. M.* Rebel foreſaid, has continually lyn and abidden ſenſyne, and yet dayly haunts, frequents, reſorts, and openly repairs to Kirks, Mercats, *&c. after this follow furth the Stile of an ordinary Caption* uſque ad finem, only *let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *If there be no Terms Annualrent nar Melioration obliged to, by the Contract, omit them in Bill and Letters, which is an eaſie Alteration.*

INHIBITION upon the ſaid Contract and Grounds.

CHARLES, *&c.* To Meſſengers, *&c.* Meined and ſhown to Us, by *M. J. B.* of —— That where *(here take in the Narrative of the former Horning and Poynding from the Letter* Q. *till ye come to the* 5 *Figure, including that of the Terms Annualrent and Melioration, if in the Contract, and if not, let them be omitted)* and then *ſay*, and the ſaid *C. M.* knowing perfectly, that the ſaid Complainer is to ſuite all manner of Diligence, both Real and Perſonal againſt him for payment of the ſaids Sums, he (in manifeſt defraud, Hurt and Prejudice of him thereanent) intends (as the ſaid Complainer is informed) to Sell, Annalzie *(after this, follow furth the Stile of another Inhibition (that is not on a depending Action) only let theſe words after the Will anent the Implement to be conceived thus :* Anent the Implement and fulfilling to him of the foreſaid Contract of Wadſet, and payment making to him of the foreſaid Sums therein contained, conform to the Tenor thereof, Clauſe of Requiſition therein-contained, and Requiſition made conform thereunto, in all Points, *and after according to Juſtice, take in the* BECAUSE *on the back of the Bill, and then ſay*, As ye will anſwer to Us thereupon, *&c. and the date of the Bill muſt be the date of the Letters*, and conclude with.

Ex Deliberatione Dominorum Concilii.

HORNING and Poynding on a Contract of Wadſet, (being an improper Wadſet) for payment of the Back-tack Duty, (which uſually is the Annualrent of the money) and for the termly Penalties bearing days, and not in Form as effeirs.

CHARLES

CHARLES, *&c.* To Meſſengers, *&c.* Greeting. Forſuameikle, as be Contract of Wodſet, made and paſt betwixt *C. M.* of —, and *M. J. B.* of — on the one and other parts, of the date the — day of —, — years, the ſaid *C. M.* (for the Sum of — *ſcots* money, then borrowed & received by him from the ſaid *M. J. B.*) Sold, Annalzied, Wodſet and Diſponed (6) to the ſaid *M. J. B.* his Heirs and Aſſigneys therein ſpecified, Heretably, all and haill his Lands of (*here Inſert the Lands as in the diſpoſitive Clauſe of the Contract, and then ſay*) and Bound and oblidged him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid *M. J. B.* and his foreſaids, Heretably therein by double Infeftments, to be holden with Warrandice, and under Reverſion in manner ſpecified in the ſaid Contract, whereby the ſaid *M. J. B.* Set, and in Tack and Aſſedation (for the Duty underwritten) Let back again to the ſaid *C. M.* and his foreſaids, the Lands and others above Wodſet, with the Pertinents for the Crop and year of God, 16— and — years, (being the firſt Crop of the ſaid *M. J. B.* his Entrie thereto) and yearly thereafter in all time coming, during the not Redemption thereof, by vertue of the Reverſion contained in the ſaid Contract. And for the which Cauſe, the ſaid *C. M.* Bound and oblidged him and his foreſaids, to make good and thankful payment to the ſaid *M. J. B.* and his foreſaids, of the Sum of — money foreſaid, (being the ordinarie Annualrent of the ſaid principal Sum) and that yearly at two Terms, in the year — and —, by equal Portions in name of Back-tack Duty, beginning the firſt Terms payment thereof at the Term of — then next to come, (for the Term immediatly preceeding) and ſua forth termly thereafter at the ſaids Terms, and by equal Portions in manner foreſaid, during the ſaid not Redemption and continuance of the ſaid Back-tack, with the Sum of — money foreſaid of liquidat Expenſes for ilk Terms failzie; and that by and attour the ſaid Back-tack Duty, and together therewith (7) as the ſaid Contract of the Date foreſaid, containing the ſaid Back-tack, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the day and Date of thir Preſents, Ordaining thir our Letters to be Direct thereupon, in manner underwritten at more length proports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. M.* perſonally, or at his dwelling-place, to make payment to the ſaid *M. J. B.* of the foreſaid Sum of — money above-written, (as the Back-tack Dutie of the ſaids Lands, and others above-ſpecified) and that of all years and Terms bygone, reſting, owing, unpayed: And ſicklike, yearly and termly in time coming, during the ſaid not Redemption and Duration of the ſaid Back-tack, (the Terms of payment of the ſame being firſt come and bygone) with the ſaid Sum of — money foreſaid of liquidat Penaltie for ilk Terms failzie as ſaid is, after the Form and Tenor of the ſaid Contract of Wodſet, and Back-tack therein contained in all Points, within — days (*which is to be ruled by the Contract*) next after the Charge, under the pain of Rebellion, and putting of him to our Horn. (*after this follow forth the Style of an Horning and Poynding that has not a Bill, with the* after the Form and Tenor above-ſpecified, *when ye cloſe the Poynding, and then ſay*) According to Juſtice, as ye will anſwer, *&c. And the date of the Regiſtration of the Contract, muſt be the date of the Letters, and Conclude with,*

Per Decretum Dominorum Concilii.

Nota, *in ſome Contracts of Wodſet there is not money payable, but Bolls of Victual of ſuch and ſuch Qualities, and with ſuch a Meaſure, and at ſuch a place yearly betwixt* Yule *and* Candleſmaſs, *(or like time) as Parties agree; beginning the firſt years payment betwixt --- and --- for the Crop --- years, (being the firſt Crop and year of the Entrie) and ſua forth yearly thereafter, during the not Redemption; wherein if the Heretor failzie, he is Bound to pay a certain liquidat Price for each undelivered Boll, and probably ſome Cuſtomes beſides, and probably ſome other Penalty by and attour.* In which caſe, ye muſt Narrate whatever the Dutie or Cuſtomes be, (ſo payable.) *And in the Will of the Letters, let the Charge be conform; But if Bolls be only payable without a liquidat Price, and only a Penalty adjected, (in caſe of Failzie) ye muſt only Charge for the Bolls, and for the Penalty in the preciſe Terms of the Oblidgement. And remember in this laſt caſe,* ye muſt conclude no Poynding, being too ſummar, and probably the Victual ready and offered.

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhoweu to us be *M. J. B.* of ---, That where upon the --- day of ---, --- years. *C. M.* of ---, was orderly Denunced Rebel, and put to the Horn, be vertue of Letters of Horning, Raiſed, uſed and Execute againſt him, at the Inſtance of the ſaid Complainer, for not payment making to him of (*here Inſert the Back-tack Duty as in the Will of the Letters of Horning, with the Penaltie; and then ſay*) Conform to a Contract of Wodſet paſt betwixt the ſaid *C. M.* and the ſaid Complainer on the an and other parts, of the date the --- day of ---, --- years; Regiſtrat in the Books of Council and Seſſion the --- day of ---, as the ſaids Letters of Horning and Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion have teſtified: under the Proceſs of the which Horn, the ſaid *C.* M. has continually layen and abidden ſenſyne; and yet dayly haunts, frequents, reſorts, and openly repairs to Kirks, Mercats, *&c.* To conclude according to an other Caption, (the date of the Bill being the date of the Letters) *uſque ad finem*; and with

Ex Deliberatione Dominorum Concilii.

HORNING and Poynding on the ſaid Contract, for payment of the haill Sum, Principal, Back-tack Duties and Penalties, being without Requiſition.

CHARLES, *&c.* To Meſſengers, *&c.* Greeting; Forſuameikle, as be Contract of Wodſet, made and paſt betwixt *C. M.* of ---, Heretor of the Lands and others after-ſpecified on the one part, and *M. J. B.* of — on the other part, of the date the --- day of ---, --- years. The ſaid *C. M.* (for the Sum of —— *ſcots* money advanced, payed, and delivered to him be the ſaid *M. J. B.*) Sold, Annalzied, Wodſet and Diſponed (*here take in the Narrative of the former Horning, from the 6 Figure to the 7, and then ſay*) and further, the ſaid *C. M.* Bound and obliged him and his foreſaids, to make payment to the ſaid *M. J. B.* and his foreſaids, of the ſaid principal Sum at the Term of ——, even — years, or at any other Term or time thereafter they pleaſed, but any Requiſition to be made for that effect; with the Sum of —— money

money foreſaid of liquidat Penaltie in caſe of Failzie, and that by and attour the ſaid principal Sum, bygone Back-tack Duties that ſhould happen to be reſting for the time; and together therewith, as the ſaid Contract of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a *Decreet* of the Lords thereof Interponed thereto, upon the day and date of thir Preſents; Ordaining thir our Letters to be Direct thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. M.* perſonally or at his dwelling-place, to make payment to the ſaid *M. J. B.* of the ſaid Sum of —— money foreſaid of Principal, and —— of Expenſes; and of the ſaid Back-tack Duty of all years and Terms bygone, reſting, owing, unpayed and ſicklike, yearly and termly in time coming, during the not payment of the ſaid principal Sum; the Terms of payment of the ſame being always firſt come and bygone, with the ſaid Sum of --- money above-written of liquidat Expenſes for ilk Terms failzie of the ſaid Back-tack Duty, after the Form and Tenor of the ſaid Contract of Wodſet, and Decreet interponed thereto in all Points, within --- days (*which is to be ruled by the Contract*) next after the Charge, under the pain of Rebellion and putting of him to our Horn. *After this follow forth the Stile of an other Horning and Poynding*, only after the Words *of the Poynding*, Add *after the Form and Tenor of the ſaid Contract of Wodſet, and Decreet Interponed thereto, in all Points*; According to Juſtice as ye will anſwer, *&c. And let the date of the Regiſtration be the date of the Horning, and Conclude with*

Per *Decretum Dominorum Concilii.*

Nota, *if the Back-tack Duty be Victual and not money, ye muſt (as to that) follow the former Injunctions.* 2do. *If the money be payable upon Requiſition, the Horning and Poynding muſt paſs by Bill.* 3tio. *The date of the Regiſtration in the ſaid Bill, muſt be particularly mentioned in the Narrative.* 4to. *The Requiſition muſt be mentioned and Narrated, as in the Stile of the former Horning on the like Contract as to Requiſition Page* 403, *And the other Obſervations ſubjoined thereto. As to the Annualrent and Meliorations of the Bigging, would be previouſly conſidered in all their Circumſtances, and how far they paralel.*

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to us be *M. J. B.* of ——. That where upon the —— day of ——, —— years, *C. M.* of ---, was orderly Denunced Rebel, and put to the Horn, be vertue of Letters of Horning Raiſed, uſed and Execute againſt him, at the Inſtance of the ſaid Complainer, for not payment making to him, of the Sum of — *ſcots* money of Principal, --- money foreſaid of Penalty, and of ---, (*here Inſert the Back-tack Duties Charged for allanerly, however the Horning be indefinite without the Charge be alſ indefinite, becauſe Captions are only for bygones, not for future without a new Charge and Diligence*) with the Sum of --- money foreſaid, for ilk Terms Failzie, and not payment of the ſaid Back-tack Duties, Conform to a Contract of Wodſet, paſt betwixt the ſaid *C. M.* and the ſaid Complainer, dated the --- day of ---, --- years. Whereby, as the ſaid *C. M.*, Wodſet and Diſponed to the ſaid Complainer, the Lands of ---, (*here Inſert them as in the Diſpoſitive Clauſe*) to the Complainer for the ſame in

Back-tack to him, during the not Redemption for payment yearly of the Back-tack Duty above-ſpecified, during the ſpace above-mentioned; and which Contract, is Regiſtrat in the Books of Council and Seſſion, the —— day of — laſt by paſt, as the ſaids Letters of Horning and Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion, has teſtified. Under the Proceſs of the whilk Horn, the ſaid *C. M.* Rebel foreſaid, has continually layen and abidden ſenſyne; and yet dayly Haunts, Frequents, reſorts, and openly repairs to Kirks, Mercats, *&c.* (*After this follow the Stile of ane ordinary Caption* uſque ad finem; *only let the date of the Bill be the date of the Letters, and Conclude with*)

Ex Deliberatione Dominorum Concilii.

Nota, *if the Back-tack Dutie be Victual,* (*without a liquidat Price*) *or if a liquidat Price for each undelivered Boll yearly, or if Requiſition or no Requiſition be provided be the Contract of Wodſet, the Horning clears it; and in that caſe let your former Directions be your Rule in the Caption, in Page* 408.

HORNING on a Contract of Wodſet, upon the Clauſe of Infefting, to be holden of the Superior; Clauſes of Warrandice purging Incumbrances, making the Rental appear to be alſmuch, as by the Contract the Diſponer is obliged to, and for relieving of Ceſſes, &c. *and giving of Tranſumpts,* &c.

CHARLES, &c. To Meſſengers, *&c.* Greeeting; Forſuameikle as be Contract of Wodſet, made and paſt betwixt *C. M.* of —, and *M. J. B.* of —— on the one and other parts, of the date the —— day of —, —— years; the ſaid *C. M.* (for the Sum of —*ſcots* money, then borrowed and received be him from the ſaid *M. J. B.*) Sold, Annalzied, Wodſet and Diſponed to the ſaid *M. J. B.* his Heirs and Aſſigneys therein ſpecified heretablie; All and hail, (*here take in the Lands and others Wodſet, as in the diſpoſitive Clauſe, and then ſay*) and Bound and oblidged him, his Heirs and Succeſſors, (6) duely and ſufficiently to Infeft and Seaſe the ſaid *M. J. B.* and his foreſaids, heretablie therein be double Infeftments, and manner of Holdings; the one of himſelf and his foreſaids Blench, for payment of a penny *ſcots* money at *Whitſunday* yearly if required; and the other of his lawful Superior, als freely as he held the ſame himſelf, and that be Reſignation or Confirmation in the Option of the ſaid *M. J. B.* and his foreſaids, (the Acceptation of the one to be no ways prejudicial to the other) and to grant all Rights and Securities requiſite thereanent, with Warrandice in manner underwritten, and under Reverſion in manner therein expreſt; and to Expede the ſaids Infeftments, alſwell *a me*, as *de me*, on the ſaid *C. M.* and his foreſaids, their own proper Charges, Moyen and Expenſes; and to Warrand the ſaids Lands and others foreſaids, Contract and Diſpoſition, Reſignation and Infeftments to follow thereupon: to be ſufficient, Free, ſafe and ſure to the ſaid *M. J. B.* and his foreſaids, from all Wairds, Reliefs, Non-entries, (*here take in the Clauſe of Warrandice, and other Clauſe of purging the ſaids Lands and others foreſaids of all Incumbrances, making the Rental appear to be als much as obliged to, and relieving of Ceſs,* &c. *and giving judicial Tranſumpts, as they are ſet down in the Contract and preciſe words thereof, and the Penalty if any be contained therein, and then ſay*) (7) as the ſaid Contract of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof

thereof Interponed thereto, upon the day and date of thir Preſents, Ordaining thir our Letters to be Direct thereupon, in manner under-written at more length proports. *Our Will is hereſore*, and we Charge you ſtraitly, and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. M.* perſonally, or at his dwelling-place, to Infeft and Seaſe the ſaid M. *J. B.* heretablie in the ſaids Lands, and others above Wodſet, with the Pertinents, to be holden *a me* as ſaid is; and to grant all Rights and Securities requiſite thereanent; and to obtain the foreſaid Infeftment of the Superior, Expede on the ſaid *C. M.* his own proper Charges, Moyen and Expenſes; and to warrand the ſaids Lands and others foreſaids, Contract and Diſpoſition, Reſignation and Infeftments to follow thereupon, to be ſufficient, Free, ſafe and ſure to the ſaid M. *J. B.* and his foreſaids, from all and ſundry Wards, Reliefs, Non-entries, Eſcheats, Life-rents, Inhibitions, Interdictions, Appryſings, Adjudications, former Alienations, Privat and publick Infeftments, and all other grounds of Eviction whatſomever, particularly and generally above-ſpecified, mentioned (and contained in the ſaid Clauſe of Warrandice) at all hands and againſt all Deadly: and to purge the ſaids Lands and others foreſaids, of all Incumbrances that affect the ſame; and to make appear, That the Rental thereof is alſmuch as the ſaid *C. M.* is oblidged to as ſaid is. And to Warrand and Relieve the ſaid M. *J. B.* and his foreſaids, of all Ceſſes, Miniſters Stipends, and other Burdens and Impoſitions above-rehearſed: and to deliver to the ſaid M. *J. B.* Judicial Tranſumpts of the Writs and Evidents of the ſaids Lands and others foreſaids; and make the Principals furthcoming wherein Tranſumpts ſhall not be ſufficient: & pay to him the ſaid Penaltie of — money foreſaid attour performance, after the Form and Tenor of the ſaid Contract and Decreet Interponed thereto in all Points, within --days --, (*to be ruled according to the Contract*) next after the Charge, under the pain of Rebellion, and putting of him to our Horn; wherein if he Failzie, the ſaids --- days being firſt come and bygone, That incontinent thereafter ye Denounce him Rebel, and put him to our Horn; and Eſcheat and In-bring all his moveable Goods and Gear to our uſe, for his Contemption and Diſobedience; and als, That ye uſe the hail remanent Order againſt him, preſcribed by the Act of Parliament made thereanent, According to Juſtice as ye will anſwer, *&c.* *And let the date of the Regiſtration of the Contract be the date of the Letters, and Conclude with*

Per Decretum Dominorum Concilii.

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to us be *M. J. B.* of —; That where *C. M.* of ---, was upon the --- day of ---, — years, orderly Denounced Rebel, and put to our Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt him, at the Inſtance of the ſaid Complainer, for not Infefting him in the Lands and others after-ſpecified, *viz.* (*here take in the Lands and others, as in the Narrative of the Horning*) to be holden of the ſaid *C. M.* his Superior thereof, als freely in all reſpects, as he holds the ſame himſelf, and on his own proper Charges, Moyen and Expenſes; and that be Reſignation or Confirmation in the ſaids Complainers option; and for not granting all Rights and Securities requiſite thereanent, with Warrandice in manner under-written, and under Reverſion in manner ſpecified, in the Contract of Wodſet paſt betwixt them thereanent, dated the — day of —, — years; and for not Warranding the ſaids Lands and

others foreſaids, with the ſaid Contract, Reſignation and Infeftments to follow thereupon, to be Free ſafe and ſure to the ſaid Complainer, his Heirs and Aſſigneys, from all and ſundry Wairds, (*here take in the Clauſe of abſolute Warrandice, as in the Narrative of the Horning, and then ſay*) and for not purging the real Incumbrances that affect the ſame; and for not making appear that the Rental given up in the ſaid Contract of the ſaids Lands and others foreſaids, is als much as he is thereby oblidged; and for not relieving the ſaid Complainer of all Ceſſes, Miniſters Stipends, and other publick Burdens, Impoſitions and Ground Duties affecting the ſaids Lands; and for not giving to the Complainer judicial Tranſumpts of the Writs and Evidents thereof, and making the Principals furthcoming, wherein Tranſumpts ſhall not be ſufficient; and for not payment making to him of the Penalty of —— *ſcots* money contained in the ſaid Contract, and incurred by the ſaid *C. M.* through his not performance of the Premiſſes: and which Contract, is Regiſtrat in the Books of Council and Seſſion, the —— day of ——, —— years, as the ſaids Letters of Horning, with the Executions thereof, duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion has teſtified: under the Proceſs of the whilk Horn, the ſaid *C. M.* Rebel foreſaid, has continually layen and abidden ſenſyne; and yet dayly and continually haunts, frequents, and openly repairs to Kirks, Mercats: *After this follow forth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters, and Conclude with*

Ex Deliberatione Dominorum Concilii.

LETTERS of Inhibition on the ſaid Contract and hail Clauſes therein ſpecified, particularly the Requiſition and Penalty therein contained, which muſt be taken in, albeit not in the Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to us by M. *J. B.* of —; That where by the Contract of Wodſet made and paſt betwixt C. M. of —, heretable Proprietar of the Lands and others afterſpecified, with the Pertinents on the one part, and the ſaid Complainer on the other part, of the date the — day of —, --- years; the ſaid C. M. (for the Sum of --- *ſcots* money, borrowed and received by him from the ſaid Complainer) Sold, Annalzied, Wodſet and Diſponed to the ſaid Complainer, his Heirs and Aſſigneys therein ſpecified, heretably, all and haill the (*here inſert the Lands and others as they are in the diſpoſitive Clauſe, and then ſay*) and Bound and obliged him, his Heirs and Succeſſors; (*here take in from the 6 Figure to the 7, and as therein directed page* 410, *and then ſay*) and in caſe it ſhould pleaſe the ſaid Complainer and his foreſaids, rather deſire to have the ſaid principal Sum repayed to them, than to retain the Security above-mentioned. Then and in that caſe, the ſaid C. M. Bound and oblidged him and his foreſaids, to make good and thankful payment to the ſaid Complainer and his above-written thereof, at the Term of ---, even --- years; or at any other Term they pleaſe, (*here notice if it be without Requiſition, let the Bill and Letters bear ſo; but if not, and that it be upon Requiſition, then ſay*) In manner and upon Requiſition ſpecified in the ſaid Contract, with the Sum of —— money foreſaid of liquidat Expenſes in caſe of Failzie, attour Performance, as the ſaid Contract of the date foreſaid, containing diverſe other Heads, Oblidgements, Articles and Clauſes, conceived in Favours of the ſaid Complainer and his foreſaids, Regiſtrat in the Books of Council and Seſſion the —— day of ——, —— years, ſhowen to our Lords of Council and Seſſion has teſtified; and the

ſaid

ſaid C. M. knowing perfectly that the ſaid Complainer is to ſuit all manner of Execution againſt him, upon the foreſaid Contract, for Implement and fulfilling to him thereof, and payment making to him of the foreſaids Sums therein contained; the ſaid C. M. in manifeſt Defraud, hurt and prejudice of him thereanent, intends (as the ſaid Complainer is informed) to Sell, Annalzie, (*after this follow forth the Stile of the former Inhibition, until ye come to* According to Juſtice; *only let theſe words anent the Implement* &c. *be in theſe Terms both in Bill and Letters*) anent the Implement and fulfilling to him of the foreſaid Contract of Wodſet, in the haill Heads, Articles and Clauſes thereof, conceived in Favours of him and his foreſaids, and whereby the ſaid C. M. ſtands any ways Bound and obliged to them thereby; and payment making to them of the Sums of money therein contained: *And then conclude the ordinary Stile as ſaid is, with* According to Juſtice, becauſe the Lords have ſeen the Regiſtrat Contract above-written, as ye will anſwer to us thereupon, *&c. And let the date of the Bill be the date of the Letters.*

Ex Deliberatione Dominorum Concilii.

Nota, *Inhibition may be Raiſed on any Contract, Bond, heretable or moveable; or other Ground in Write where Parties are alive, albeit not Regiſtrat.*

HORNING and Poynding upon a Charter Party, at the Inſtance of the Skipper againſt the Merchant for payment of the Fraught, Lye days, and Avarage, &c. *which muſt have a Bill, becauſe of the ſeveral Proteſts.*

CHARLES, *&c.* To Meſſengers, *&c.* meaned and ſhown to us by *A. B.* Skipper and Maſter of the good Ship, called the ——, That where by Charter partly made (by way of Contract) betwixt the ſaid Complainer on the one part, and *C. D.* Merchant Burgeis of —— on the other part, dated the —— day of —— laſt bypaſt, the ſaid Complainer Set and Lett his ſaid Ship to the ſaid *C. D.* from the Herbour of —— where ſhe then lay, to the Port after-ſpecified, to the effect after-mentioned, and obliged him to have his ſaid Ship in readineſs with Maſts, Sails, Tows, Cables, Anchors, Flat-Boat, and other neceſſars and Proviſions, with expert Sea-men, and (Wind and Weather ſerving) to ſail from the ſaid Harbour of — to the Port of ---, and there to remain and awaite by the ſpace of —— Weather, Work, lye-days, for receiving in of —— Bolls Bear, or other Goods, the ſaid *C. D.* or his ſaid Order pleaſed ſet aboard (and for which the ſaid *C. D.* or his ſaid Order were to give the Complainer a Bill of Loading, to clear what ſet aboard, as well as the Complainer was to give them a Receipt of the Victual or other Goods to be ſet aboard, as ſaid is) and (Wind and Weather ſerving) to Sail from the ſaid Port of —— to the ſaid Harbour of —— where ſhe now lyes, (all Hazard by Sea excepted) and to remain and abide in the ſaid Harbour the ſpace of —— Weather, Work, Lye-days, for unloading of the ſaid Victual and other Goods, and to keep his ſaid Ship ſufficiently Water-tight, ſo as the ſaid Victual and Goods might not be damnified in the return homeward, and that no part thereof ſhould be Imbazled by himſelf or Sea-men; And for the whilks Cauſes, the ſaid *C. D.* band and obliged him to have contented and payed to the ſaid Complainer, the Sum of —— *ſcots* Money, in name of Fraught for the ſaid Voyage, with the Sum of —— Money foreſaid, each day the ſaid *A. B.* and his ſaid Ship and Mariners ſhould remain at the ſaid Port of -- attour the Lye-days above-ſpecified, with Towage, Rowage, Anchorage, Avarage, Pettie-pilitage,

Lights of *May*, and other Dues, according to the Customs of the Sea, and that within —— Hours after the said Complainer his Livering of the said Victual, and other Goods in his said Ship within the said Harbour of —— and to pay to the said Complainer the Sum of —— for each day he should remain within the said Harbour, attour the said Lye-days appointed for that effect, and both Parties obliged them, their Heirs and Executors, to fulfill and perform the Premisses to one another, and the Party failier to pay to the Party observer, or willing to observe the same, the Sum of —— in name of liquidat Penalty in case of failzie, and that by and attour performance, and together therewith, as the said Charter Party (made by way of Contract as said is) insert and registrat in the Books of Council and Session, and a Decreet of the Lords thereof interponed thereto, upon the —— day of —— also last bypast, Ordaining thir our Letters to be direct thereupon, in manner under-written, shown to our Lords of Council and Session has testified; And true it is, that the said Complainer was detained after his Arival at the said Port of —— in default of the said *C. D.* by the space of —— days attour the days allowed, as also after he was loadned there, set sail for the said Harbour of —— and livered his Goods, and delivered the same to the said *C. D.* as his Receipt thereof upon the back of his Double of the said Charter Party, shown to the saids Lords has testified; And yet notwithstanding has now detained him with the Ship and Men within the said Harbour, by the space of —— days attour the said —— hours allowed in manner foresaid, for payment of the Fraught and other Dues, and over and above the Lye-days above prefixed for livering, as authentick Instruments taken at the said Port of —— upon the —— day of —— last bypast, in the hands of —— Nottar publick, and at the said Harbour of —— upon the —— day of --- instant in the hands of --- Nottar publick, likeways shown to the saids Lords have testified, Nevertheless the said *C. D.* wrongously refuses, postpones and defers to make payment to the said Complainer of his said Fraught, Lye-days and dues aforesaid, according to the Custom of the Sea, and of the said Penalty incurred by him through not payment and Performance as said is (and for which Penalty the said Complainer protested in the said last Instrument) albeit oft and divers times desired and required thereto, without he be compelled as is alledged. *Our Will is herefore.* and we charge you straitly, and Command, that incontinent thir our Letters seen, ye pass, and in our Name and Authority, Command and Charge the said *C. D.* personally, or at his dwelling-place, to make payment to the said Complainer of the said Sum of — Money foresaid of Fraught, with the said Sum of —— for each Lye-day he remained at the said Port of --- attour the days allowed as said is, and of the said Sum of--- for each Lye-day he remained within the said Harbour of *Leith*, attour the Lye-days above-written, and --- hours allowed in manner foresaid, together with the said *C. D.* his Part as Merchant of the said Towage, Rowage, Anchorage, Avarage, petty Pilitage, Lights of *May*, and other Dues, according to the Custom of the Sea, together also with the foresaid Penalty of--- Money above specified, incurred by him through his not performance of his part of the said Contract, and that by and attour performance, and together therewith after the Form and Tenor of the said Charter Party, Decreet interponed thereto, Receipt of the Loading, and Goods, and Instruments above-mentioned in all points, within —— days (to be ruled according to the Charter Party) next after the Charge, under the pain of Rebellion, and putting of him to our Horn (*after this follow furth the ordinary Stile of Horning and Poynding, and after the Poynding, when ye say in other Letters* to the Avail and Quantity of the saids Sums, *call them here* liquidat Sums, because that of Towage, Rowage, and rest of that General Clause is not liquidat, and so cannot be poynded for as

that

that which is liquid, *and when ye have cloſed the Poynding in theſe Terms, ſay,* According to Juſtice, becauſe the Lords have ſeen the Regiſtrat Charter Party, Receipt and Inſtrument above-written, as ye will anſwer to us thereupon, *&c. and let the Date of the Bill be the Date of the Letters, and conclude with.*

Ex Deliberatione Dominorum Concilii.

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* meaned and ſhown to us by *A. B.* Skipper and Maſter of the good Ship called ——; That where upon the —— day of —— laſt bypaſt, *C. D.* Merchant and Burgeſs of —— was orderly denudced Rebel, and put to our Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt him, at the Inſtance of the ſaid Complainer, for not payment making to him of the Sum of —— *ſcots* Money of Fraught, for ſailing with his ſaid Ship from the Harbour of — where ſhe lay for the time, to the Port of —— where ſhe received her Loading of Victual and other Goods ſet aboard of her by the ſaid *C. D.* his Order, and the Sum of —— for each day he remained thereat, being --- days attour the Weather, Work, Lye-days appointed by the Charter-Party after-ſpecified, and of the Sum of --- Money foreſaid, for each day he was kept at the ſaid Harbour of ---in default of the ſaid *C. D.* after livering of the ſaid Loading there, and --- hours thereafter allowed for payment of the Fraught and other Dues, being --- days over and above, and of the ſaid *C. D.* his Part, as Merchant of the Towage, Rowage, Anchorage, Avarage, petty Filitage, Lights of *May*, and other dues, according to the Cuſtom of the Sea, and likeways of the Sum of --- Money above-written of Penalty incurred by him through not payment thereof, conform to the Charter-Party paſt betwixt the ſaid Complainer and the ſaid *C. D.* thereanent, of the Date the --- day of --- laſt bypaſt, Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof interponed thereto, upon the --- day of---and alſo conform to the ſaid C. D his Receipt of the ſaid Loading, and Inſtruments taken upon the ſaids days, attour the Lye-days allowed, and upon the incurring of the ſaid Penalty, in manner-ſpecified in the ſaids Letters of Horning, as the ſame with the Executions thereof duely Regiſtrat conform to the Act of Parliament, ſhown to our ſaids Lords of Council and Seſſion has teſtified; Under the Proceſs of the whilk Horn, the ſaid C. D. Rebel foreſaid has continually lyn and abidden ſenſyne, and yet daily haunts, frequents, reſorts, and openly repairs to Kirks, Mercats. *after this, follow forth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters, and ſo Conclude with*

Ex Deliberatione Dominorum Concilii.

HORNING upon the Warrandice of an Aſſignation.

CHARLES, *&c.* To Meſſengers, *&c.* Greeting: Foreſameikle as *W. M.* Merchant Burgeſs of --- by his Aſſignation of the date the —— day of --- laſt bypaſt, (for the onerous Cauſes therein ſpecified,) made and conſtitute *M. J B.* of —— his Heirs and Aſſigneys, his very lawful indoubted and irrevocable Ceſſioners and Aſſigneys, in and to the Sum of —— *ſcots* Mony

of Principal ——— Money foreſaid of Expenſes, and Annualrents of the ſaid Principal Sum bygone and in time coming during the not payment thereof, ſpecified and contained in a Bond made and granted by *P. S.* Merchant Burgeſs of —— to the ſaid *W. M.* his Heirs and Aſſigneys thereupon, of the date the —— day of ——— ——— years, and in and to the ſaid Bond, haill Tenor and Contents thereof, with all that has followed or may follow thereupon; and all Action and Execution competent by vertue of the ſame for ever; and oblidged him, his Heirs and Executors, to warrand the ſaid Aſſignation frae his own Fact and Deed, and that the ſaid Sums were juſtly reſting, and ſhould prove good and effectual to the ſaid M. *J. B.* and his foreſaids in the payment, as the ſaid Aſſignation of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the day and date of thir Preſents, Ordaining thir our Letters to be Direct thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid *W. M.* perſonally, or at his dwelling place, to Warrand the ſaid Aſſignation to the ſaid M. *J. B.* frae his own proper Fact and Deed, and that the ſaid Sum is juſtly reſting, and ſhall prove good and effectual to him in the payment, after the Form and Tenor of the ſaid Aſſignation, Clauſe of Warrandice therein contained, and Decreet Interponed thereto in all Points, within —— days (*to be ruled by the Clauſe of Regiſtration*) next after he be Charged by you thereto, under the Pain of Rebellion and putting of him to our Horn; (*after this follow forth the ſimple Stile of a Horning without Poynding, and then*) According to Juſtice as ye will anſwer, *&c. And let the date of the Regiſtration of the Aſſignation, be the date of the Letters, and conclude with*

Per Decretum Dominorum Concilii.

Nota, *Caption thereon being ſaeaſie, is not ſet down.*

HORNING upon the Warrandice of a Tranſlation.

CHARLES, &c. To Meſſengers, *&c.* Greeting; Forasmuch, as M. *J. B.* of —, by his Tranſlation of the date the —— day of —— laſt by paſt, (for the Cauſe therein ſpecified) Aſſigned and Transferred to, and in Favours of *G. M.* of ——, his Heirs and Aſſigneys, the Sum of — *ſcots* money of Principal, with the Sum of —— money foreſaid of Expenſes, and Annuals of the ſaid Principal Sum, contained in a Bond made and granted be *P. S.* Merchant, Burgeſs of —, to W. M. Merchant Burgeſs of —, his Heirs and Aſſigneys thereupon, of the date the ——— day of —, — years, and in an Aſſignation made by the ſaid W. M. to the ſaid M. *J. B.* his Heirs and Aſſigneys of the ſame, dated the --- day of --- laſt by paſt, together with the ſaid Bond and Aſſignation, haill Tenors and Contents thereof, with all that followed, or might follow thereupon for ever; and Bound and oblidged him, his Heirs and Executors, to Warrand the foreſaid Right and Tranſlation to the ſaid G. M. of --, and his foreſaids, from the ſaid W. M. and his own proper Facts and Deeds done, or to be done in prejudice thereof; And that the ſaid Debt ſua Aſſigned and Transferred, ſhould prove good and effectual to the ſaid G. M. and his foreſaids in the payment, as the ſaid Tranſlation of the date foreſaid, Inſert and Regiſtrat in our Books of Council and Seſſion, and a Decreet of our Lords thereof Interponed thereto, upon the day and date of thir

thir Preſents, Ordaining thir our Letters to be Direct thereupon, in manner under-written at more length preports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid M. *J. B.* perſonally or at his dwelling-place, to warrand the foreſaid Right and Tranſlation to the ſaid G. M. and his foreſaids, from his own and his ſaid Cedent their proper Facts and Deeds done, or to be done in prejudice thereof; and that the ſaid Debt ſua Aſſigned and Transferred, ſhall prove good and effectual to him in the payment, after the Form and Tenor thereof, and Decreet Interponed thereto in all Points, within --- days (*to be ruled by the Clauſe of Regiſtration contained in the Tranſlation*) next after the Charge, under the Pain of Rebellion and putting of him to our Horn, (*follow forth the Stile of a common Horning but without Poynding, and then ſay*) According to Juſtice as ye will anſwer, &c. *And let the date of the Regiſtration of the Tranſlation, be the date of thir Letters, and then conclude with*

Per Decretum Dominorum Concilii.

CAPTION upon the Warrandice of a Tranſlation.

CHARLES, &c. To Meſſengers, &c. Meant and ſhoweu to us by G. M. of ---, That where upon the --- day of --- laſt by paſt, M. *J. B.* of ---, was orderly Denounced Rebel and put to the Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt him at the Inſtance of the ſaid Complainer, for not Warranding to him a Right and Tranſlation made by the ſaid M. *J. B.* to the ſaid Complainer his Heirs and Aſſigneys, of the Sum of —— *ſcots* money of Principal, with the Sum of —— money foreſaid of Expenſes and Annuals of the ſaid principal Sum, contained in a Bond granted by *P. S.* Merchant, Burgeſs of ——, to *W. M.* Merchant, Burgeſs of ——, his Heirs and Aſſigneys thereupon, of the date the —— day of ——, and -- years, Regiſtrat in the Books of Council and Seſſion, the -- day of --- laſt by paſt, and Aſſigned by the ſaid *W. M.* to the ſaid *M. J. B.* the --- day of ---, --- years; and which Tranſlation, is dated the --- day of ---, --- years; and whereby the ſaid *M. J. B.* is Bound to Warrand the ſame from the ſaid *W. M.* and from his own proper Facts and Deeds done, or to be done in prejudice thereof; and that the Debt ſua Aſſigned and Transferred, ſhall prove good and effectual to the ſaid Complainer and his foreſaids in the payment; and which Tranſlation is Regiſtrat in the ſaids Books of Council and Seſſion, the --- day of ---, --- years, as the ſaids Letters of Horning and Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion has teſtified: under the Proceſs of the which Horn, the ſaid M. *J. B.* has continually layen and abidden ſenſyne; and yet dayly haunts, frequents, reſorts, and openly repaires to Kirks, Mercats: (*after this follow forth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*) *and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *as to both the former Hornings, I was ſtill of the Opinion, that before any ſuch was raiſed, that the common Debitor ſhould be Diſcuſſed not only by a Regiſtrat Horning but Appryſing, (if the Sum great) and that Intimat to the Party obliged in Warrandice, elſe the Charge will reſolve in a Libel if Suſpended.*

LETTERS of Horning upon the Warrandice of a Diſcharge.

CHARLES, *&c.* To, Meſſengers, *&c.* Greeting: Forſuameikle as, *M. J. B.* of —, by his Diſcharge dated the — day of —— years (for the onerous Cauſes therin ſpecified) Exonered, quite claimed, and ſimpliciter diſcharged *P. S.* Merchant Burgeſs of——, his Heirs and Executors, of the Sum of ——*ſcots* Money of Principal, —— Money foreſaid of Expenſes and Annuals of the ſaid principal Sum, contained in a Bond granted be the ſaid *P. S.* Merchant Burgeſs of —— to *W. M.* Merchant Burgeſs of —— his Heirs and Aſſigneys thereupon, of the date the — day of —— —— years, Regiſtrat in the Books of Council and Seſſion, the — day of —— laſt bypaſt, and aſſigned by the ſaid *W, M.* to the ſaid *M. J.* B. the —— day of —— —— years, and of the ſaid Bond it ſelf, Decreet interponed thereto, with all that followed thereupon, and band and obliged him, his Heirs and Executors, to warrand the foreſaid Diſcharge to be good, valid and ſufficient to the ſaid *P. S.* and his foreſaids, for their Exoneration of the Premiſſes thereafter, in all time coming, at all hands, and againſt all deadly, as the ſaid Diſcharge of the date foreſaid, inſert and regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof interponed thereto, upon the day and date of thir preſents; Ordaining thir our Letters to be direct thereupon in manner underwritten at more length proports. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Lerters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *M J. B.* perſonally, or at his dwelling-place, to warrand the foreſaid Diſcharge to the ſaid *P. S.* and his foreſaids, for their Exoneration of the Premiſſes in all time coming, at all hands and againſt all deadly, after the Form and Tenor of the ſaid Diſcharge, and Decreet interponed thereto, in all Points, within — days, (to be ruled by the Clauſe of Regiſtration) next after the Charge, under the pain of Rebellion, and putting of him to our Horn, wherein if he failzie, the ſaids — days being firſt come and bygone, that incontinent thereafter, ye Denunce him Rebel, and put him to Our Horn, and Eſcheat, and Inbring all his Movable Goods and Gear to our uſe for his Contemption; and als that ye uſe the hail remanent Order againſt him preſcribed by our Act of Parliament, made thereanent; According to Juſtice, as ye will anſwer, *&c. and let the Date of the Regiſtration of the Diſcharge, be the Date of the Letters*, and conclude with

Per Decretum Dominorum Concilii.

Nota, *if the Debt be conſiderable, and that there be a Diſſtreſs from any other Pretender, to Serve Inhibition is rational, being a Security, but to Intimat the Diſtreſs before a Charge of Horning, were convenient, and takes off that of Malice, and beſides a good Ground to get a ſufficient Cautioner in the Suſpenſion, and large Expenſe in the Diſcuſsing, whereas a general Charge reſolves always in a Libel, and the Cautioner thereby free without the Diſtreſs, be* inſtanter *verified, and then the Lords are tender, and will hardly louſe the Cautioner.*

CAPTION

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Forſuameikle, as it is humbly Meaned and Shown to us by *P. S.* Merchant Burges of —— That where upon the — day of — laſt by paſt, *M. I. B.* of — was orderly denunced Rebel, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed and executed againſt him at the Inſtance of the ſaid Complainer, for not Warranding an Diſcharge granted by him to the ſaid Complainer, dated the —— day of --- alſo laſt by paſt, of the Sum of — *Scots* Mony, of Principal, with the Sum of — Money foreſaid of Expenſes, and Annuals of the ſaid Principal Sum, contained in a Bond granted by the ſaid Complainer to *W. M.* Merchant Burgeſs of —— his Heirs and Aſſigneys thereupon, of the date the ——— day of —— 16 and — years, regiſtrat in the Books of Council and Seſſion, the —— day of — alſo laſt bypaſt, and aſſigned by the ſaid *W. M.* to the ſaid *M. J.* B. his Heirs and Aſſigneys, the — day of ---- years, and that at all hands, and againſt all deadly, and which Diſcharge was Regiſtrat in the ſaids Books of Council and Seſſion the --- day of --- likeways laſt bypaſt, as the ſaids Letters of Horning, with the Executions thereof duely Regiſtrat conform to the Act of Parliament ſhown to our Lords of Council and Seſſion has teſtified; under the Proceſs of the whilk Horn, the ſaid *M. J. B.* Rebel foreſaid, has continually lyn and abidden ſenſyne, and yet daily Haunts, frequents, reſorts, and openly Repairs to Kirks, Mercats, *&c.* (*After this follow forth the Stile of an ordinary Caption*, uſque ad finem, *only let the date of the Bill be the date of the Letters, and Conclude with*)

Ex Deliberatione Dominorum Concilii.

HORNING and Poynding at a Miniſters inſtance againſt his Parochiners, upon a Decreet of Modification and Locality for his Stipend, and Communion Elements.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to us by M. *A. M.* Miniſter at ——; That where M. *J. C.* ſometime Miniſter of the ſaid Church, obtained a Decreet at his Inſtance, before the Lords and others Spiritual and Temporal, Appointed by Act of Parliament for *Plantation of Kirks and Valuation of Teinds*, againſt *M. J.* of ——, (*here Inſert the other Heretors, Liferenters, Wodſetters and Tennents names and Deſignations, of the Lands contained in the ſaid Decreet, and then ſay*) and againſt —— Patron of the ſaid Kirk, (if a Lawick perſon) and Titular of the Teinds of the ſaid Parochen, upon the —— day of —, — years, Modifying and Appointing the conſtant Stipend of the ſaid Church and Parochen, to be thereafter yearly in all time coming, (*here Inſert the Victual, part of the ſaid Stipend, and of the ſeveral Qualities in the Decreet, whether* Wheat, Bear, Meal or Oats, and --- *money*) which they ordained to be payed to the ſaid M. *J. C.* during all the days of his Liftime, and ſerving the Cure at the ſaid Kirk; and to his Succeſſors in the ſaid Charge and Function yearly thereafter in all time coming, in manner following, *viz.* the ſaid Victual-ſtipend betwixt *Yule* and *Candleſmaſs* yearly, & the ſaid Money-ſtipend at *Whitſunday* & *Martinmaſs* yearly by equal Portions, begininning the firſt years payment of the ſaid Victual-ſtipend betwixt *Yule* and *Candleſmaſs* 16 -- years, for the preceeding Crop; and the ſaid Money-ſtipend at the Term of -- then next for the Term immediatly preceeding, and ſo forth

yearly and termly thereafter in all time coming; and Localled and appointed the ſaid whole Stipend, alſwell Victual as money, to be payed out of the Teinds of the Lands and others after-ſpecified, by the fore-named perſons and their Succeſſors, Patrons, Titulars, Heretors, Wodſetters, Liferenters, Tennents and Poſſeſſors thereof, ilk an of them for their own parts, and according to their ſeveral Proportions of the ſame, as is particularly after-divided; (*here Inſert the ſeveral Proportions payable by the ſaids ſeveral perſons, and Teinds of the Lands out of which payable in the expreſs words and terms of the Decreet, and then ſay* (*if the Miniſter have alſo Right thereby to the Viccarage*) *together with the Viccarage, Teinds of the ſaid Parochen yearly, at the Terms and times uſed and wont*) and likewiſe Modified and appointed the Sum of —— for the Communion Elements, which the ſaids Lords ordained the forenamed perſons to pay to the ſaid M. *J. C.* and his Succeſſors aforeſaid, als oft and how oft as the *Holy Sacrament of our Bleſſed Lords Supper* ſhould happen to be Celebrat; as the ſaid Decreet of Modification and Locality of the date foreſaid, Ordaining thir our Letters to be Direct thereupon in manner under-written, ſhowen to our Lords of Council and Seſſion has teſtified. And true it is, that the ſaid Complainer was upon the —— day of ——, -------- years, duely and lawfully preſented Miniſter for ſerving the Cure at the ſaid Kirk and Parochen thereof, and to the Manſe and Glybe of the ſame, & to the conſtant local modified Stipend thereof, haill Fruits, Rents, Emoluments, and other Caſualities pertaining and belonging thereto, of the Crop and year of God — years, and thereafter in all time coming during all the days of his Lifetime, and ſerving of the Cure at the ſaid Kirk, and accordingly was Collated, and received Inſtitution as his Preſentation, Collation and Inſtrument of Inſtitution alſo ſhowen to our ſaids Lords of Council and Seſſion have teſtified: notwithſtanding whereof, the Patron, Titular, Heretors, Liferenters, and Wodſetters, Tennents, Tackſmen, Poſſeſſors and Occupiers of the Lands, and others lyand within the ſaid Parochen, and Intrometters with the Teinds, Parſonage and Viccarage thereof, and others addebted and in uſe of payment of the ſaid conſtant local modified Stipend and Viccarage, Teinds aforeſaid; wrongouſly refuſe, Poſtpone and Defer to make payment to the ſaid Complainer of the ſaid Stipend and Viccarage, of the ſaid Crop and year of God --- years, and yearly and termly thereafter in all time coming, during his ſaid Lifetime and ſerving the Cure at the ſaid Kirk, and of the ſaid Sum of --- money foreſaid for the Communion Elements, als oft and how oft as the ſame has been Adminiſtrat and Celebrat ſince his ſaid Entry, or thereafter ſhall happen to be Celebrat; ilk an of them for their own parts as ſaid is, albeit oft and diverſe times deſired and required thereto, without they be compelled as is alledged. *Our Will is herefore*, and we Charge you ſtraitly, and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaids Patrons, Titular, Heretors, Liferenters, Wodſetters, Tennents, Tackſmen, Poſſeſſors and Occupiers of the Lands, and others lyand within the ſaid Parochen, and Intromettors with the Teinds thereof, and others addebted, and in uſe of payment as ſaid is, to readily anſwer, intend, obey and make good and thankful payment to the ſaid Complainer, of the foreſaid Victual-ſtipend of the Quality above-ſpecified; and of the ſaid Money-ſtipend, together with the ſaid Viccarage-Teind, and that of the ſaid Crop and year, --- years; and yearly and termly ſenſyne, and in all time coming, during all the days of his Lifetime, and ſerving of the Cure at the ſaid Kirk, together with the ſaid Sum of --- money foreſaid for the Communion Elements, als oft and how oft as the ſame has been, or hereafter ſhall be Celebrat; ilk an of them for their own parts, and according to their ſeveral Proportions thereof, as is particularly above divided: and the Terms of payment of the ſaid Stipend-victual, and Money and Viccarage Teinds being

being always firſt come and bygone, after the Form and Tenor of the ſaid Decreet of Modification and Locality, Preſentation, Collation, and Inſtrument of Inſtitution in all Points, within —— days, (*to be ruled by the Decreet*) next after the Charge, under the pain of Rebellion and putting of them to our Horn; (*After this follow forth the Stile of an ordinary Horning and Poynding, only in the Cloſe of the Poynding ye muſt ſay,* To the Avail and Quantity of the ſaids liquidat Sums, *and let* After the Form and Tenor *be as above, and then ſay*) According to Juſtice, becauſe the Lords have ſeen the Decreet, Preſentation, Collation, and Inſtrument of Inſtitution above-written, as ye will anſwer, *&c. and let the date of the Bill be the date of the Letters,* and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *albeit Poynding by Iaicks muſt be by Appryſing at the Croſs, alſwel as on the Ground; yet by the* 21 *Act of the third Seſſion of the* 1ſt *Parliament of King* Charles *the* 2d, *Miniſters for their Stipends, Poynd and Appryſe only upon the Ground.*

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meaned and ſhowen to Us by M. *A. M.* Miniſter at ——; That where upon the —— day of —— laſt by paſt, the perſons reſpective after-named, were orderly Denounced Rebels and put to our Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt them, at the Inſtance of the ſaid Complainer, for not payment making to him of the Victual and Silver-ſtipend after-ſpecified, and Viccarage-teinds after-mentioned, due by them to the Complainer, forth of the Lands and Teinds thereof under-written yearly, the Crops, years and Terms after rehearſed; ilk an of them for their own parts, and according to their ſeveral Proportions thereof, as is particularly after-divided, *viz. A. B.* Heretor, and *C. D.* Tennent of the Lands of ——, the number and quantity of —— Bolls Wheat, and —— Bolls Bear, and —— Bolls Oat-meal, and —— Bolls Oats, and —— *ſcots* money of Silver-ſtipend due by them to the Complainer, furth of the ſaids Lands of ——, the Crop and year —— years, and the --- Terms thereof, with the Viccarage of the ſaids Lands, the ſaids Crops and years, (*& ſic de ceteris,* and then ſay) Conform to the Decreet of Modification and Locality given and pronounced thereanent, by the Lords and others of the Commiſſion, appointed by Act of Parliament *for Plantation of Kirks and Valuation of Teinds,* at the Inſtance of M. *J. C.* ſometime Miniſter at the ſaid Kirk, in favours of himſelf and his Succeſſors in the ſaid Charge and Function, againſt the Patron, Titular, Heretors, Liferenters, Wodſetters, Tennents, Tackſmen, Occupyers of the Lands, and others within the ſaid Parochen, and Intromettors with the Teinds thereof, and Addebted and in uſe of payment of the ſaid Stipend and Viccarage, upon the --- day of ---, -- years, as the ſaids Letters of Horning and Executions thereof, duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion has reſtified: under the Proceſs of the which Horn, the forenamed perſons Rebels foreſaids, have continually layen and abidden ſenſyne; and yet dayly & continually Haunt, frequent, reſort, and openly repair to Kirks, Mercats; (*After this follow forth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters,* and conclude with

Ex Deliberatione Dominorum Concilii.

INHIBITION of Teinds at the Inſtance of a Parſon, or other dignified Perſon againſt his Parochiners.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhown to Us by M. *J. D.* Parſon of ---, and Miniſter at ---; That where the ſaid Complainer was upon the --- day of ---, --- years, duely and lawfully preſented to the Church of ---, and to the Parſonage and Viccarage-Teinds of the ſaid Parochen; and to the Manſe and Glybe thereof, Profits and Emoluments belonging thereto, als fully and freely in all reſpects, as M. *J. C.* late Parſon and Miniſter there; or any of his Predeceſſors in that Charge and Function brooked and enjoyed, or might have brooked and enjoyed the ſame, and that of the Crop and yeat of God --- years, and yearly thereafter in all time coming, during all the days of his Lifetime, and ſerving the Cure of the ſaid Kirk; And accordingly was Collated, and thereupon received Inſtitution, as his ſaid Preſentation, Collation, and Inſtrument of Inſtitution, ſhowen to our Lords of Council and Seſſion have teſtified: by vertue whereof, the ſaid Complainer has ſufficient good and undoubted Right and Intereſt to the ſaid Parſonage and Viccarage-teinds of the ſaid Parochen, the ſaid Crop and year, and yearly thereafter in all time coming, during his ſaid Lifetime; and he ought and ſhould be anſwered, obeyed and payed thereof: and yet notwithſtanding, the Heretors, Liferenters, Wodſetters, Tennents, Tackſmen and Poſſeſſors of the Lands, and others lyand within the ſaid Parochen, intend (as the Complainer is informed) not only to Shear and Stack, but alſo to Intromet with, Lead away, take, uſe and diſpoſe upon the whole Corns growing thereupon this inſtant Crop and year, —— years, without any Tack, Licence, Warrand, or Attolerance of the ſaid Complainer, firſt had and obtained thereto, and to his great hurt and prejudice, without Remeid be provided to the ſame as is alledged. *Our Will is herefore*, and we Charge you ſtraitly and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Inhibit and Diſcharge all and ſundry the Heretors, Liferenters, Wodſetters, Tennents, Tackſmen, Poſſeſſors and Occupyers of the Lands, and others lyand within the ſaid Parochen, by open Proclamation at the ſaid Paroch-church Door, and by Affixing and leaving of an juſt and Authentick Copy hereof thereupon, upon a *Sunday* in the Forenoon, and after ſaying of the Bleſſing, that they or none of them preſume, nor take upon hand under whatſomever Colour or Pretext, to Lead, Intromet with, or away take the Corns growing upon the Ground of the Lands, and others lyand within the ſaid Parochen this inſtant Crop, without Tack, Licence and Attollerance of the ſaid Complainer, firſt had and obtained thereto: but on the contrary, that they timeouſly, and before any ſuch Leading, acquaint the ſaid Complainer therewith, to the effect he by himſelf, his Factors, Servants, & others in his name, & having his Power & Warrant for that effect may come & Teind with them, conform to his ſaid Preſentation, Collation and Inſtitution in all points, certifying them that do in the contrary, that they ſhall be holden and repute as violent Spuilziers, and made lyable therefore conform to the Laws of the Kingdom in that caſe provided, and that ye uſe the hail remanent Order againſt them, preſcribed by the Act of Parliament made thereanent, according to Juſtice, becauſe the Lords have ſeen the Preſentation, Collation, and Inſtrument of Inſtitution above-written, as ye will anſwer to us thereupon: *and let the date of the Bill be the date of the Letters, and conclude with.*

Ex Deliberatione Dominorum Concilii.

Nota,

Nota, *Inhibitions of this Nature continue but for a year, and ſo muſt be annually raiſed and execute, and are not to be Regiſtrat as other Inhibitions.*

HORNING at a Miniſters Inſtance for building a Manſe.

CHARLES, *&c.* To Meſſengers, *&c.* Meaned and Shown to us, by *M. J. M.* Miniſter of —— That where the ſaid Complainer was duely and lawfully preſented to the ſaid Kirk of —— for ſerving the Cure thereat, and to the conſtant Local modified Stipend thereof, Manſe and Glibe of the ſame, of the Cropt and year --- years, and thereafter in all time coming durin his lifetime, and ſerving the Cure at the ſaid Kirk, conform to the Preſentation granted to him thereupon, dated the —— day of —— the ſaid year, and conform whereunto he received Collation, and thereupon Inſtitution in due and competent Form, as his Preſentation, Collation and Inſtitution ſhown to our Lords of Council and Seſſion have teſtified; Likeas by the 21 Act of the third Seſſion of our firſt Parliament, begun at *Edinburgh* upon the eighteen day of *June* 1663 (Intituled, *Act anent Manſes and Glibes, and poynding for Miniſter Stipends*) *We with Advice and Conſent of our Eſtates of Parliament* (*upon conſideration, That* (notwithſtanding of ſeveral Acts of Parliament made of before, diverſe Miniſters were not ſufficiently provided with Manſes and Glibes and others, do not get their Manſes free at their Entrie) *Statute* and *Ordain*, That where competent Manſes are not already built, the Heretors of the Paroch at the ſight of the Biſhop of the Dioceſs (or ſuch Miniſters as he ſhall appoint) with two or three of the moſt knowing and diſcreet Men of the Paroch, build competent Manſes to their Miniſters, the Expenſes thereof not exceeding one thouſand pounds, and not being beneath five hundred Merks, and where competent Manſes are already built, Ordained the Heretors of the ſaid Paroch to relieve the Miniſter and his Executors, of all Coſt, Charges and Expenſes for repairing of the foreſaid Manſes, Declaring thereby, that the Manſes being once built and repared, and the Building or Repairing ſatisfied, and payed by the Heretors in manner foreſaid, the ſaids Manſes ſhall thereafter be upholden by the incumbent Miniſters during their Poſſeſſion, and by the Heretors in time of Vacancy, out of the readieſt of the vacant Stipend; In like manner Ordained, that every Miniſter have Feual, Foggage, Faill and Divots, according to the Act of Parliament, made in *Anno* 1593. As alſo, that every Miniſter (except ſuch Miniſters of Royal Burghs, who have not Right to Gleibs) have Graſs for one Horſe and two Kine, over and above their Glibe, to be deſigned out of Kirk-Lands, and with Relief according to the former Acts of Parliament ſtanding in force, and if there be no Kirk-Lands lying near the Miniſters Manſe, out of which the Graſs for one Horſe and two Kine may be deſigned; or otherways, the ſaids Kirk-Lands be arrable Land in either of theſe caſes, Ordained the Heretors to pay to the Miniſter and his Succeſſors yearly, the Sum of twenty pounds *ſcots* Money, for the ſaid Graſs for one Horſe and two Kine, the Heretors always being relieved according to the *Law* ſtanding, of other Heretors of Kirk *Lands* in the ſaid Paroch; And we with Advice foreſaid for ſpecial Cauſes and Conſiderations declared, that the ſaid Act as to the Manſes, was to have Force as the ſame had been made and dated the 14 day *March* 1649, as the ſaid Act of Parliament alſo ſhown to the ſaids Lords has teſtified, And true it is, that conform to the ſaid Act of Parliament, the Complainer being deſtitute of a Manſe ever ſince his being a Miniſter of the ſaid

Kirk, required the Heretors of the ſaid Paroch at the ſight aforeſaid, to build him a competent Manſe to the value above-mentioned, and to give him Graſs for a Horſe, and two Kine, over and above his Glibe, to be deſigned out of Kirk-*L*ands, and if there be no Kirk-*L*ands lying near the Manſe, out of which the Graſs aforeſaid may be deſigned, or otherways, if the ſaids Kirk-*L*ands be arrable Land in either of theſe caſes, to pay to the Complainer the ſaid Sum of Twenty pound *ſcots* yearly, and they refuſing, or at leaſt delaying, he was neceſſitat to make Application to the Biſhop of the Dioceſs in the ſaid matter, who thereupon *N*ominat and Appointed ——— Three of the Miniſters of the ſaid Dioſie, and ——— as knowing and diſcreet Men of the Parcch, for viſiting where the Manſe might be moſt conveniently built, and what Expenſe will be neceſſary for that effect, and accordingly they having made the ſaid Viſitation upon the ——— day of ———, and having taken the whole matter to Conſideration, they gave their Opinion, and declared, that they judged moſt convenient, that the Manſe were built upon a little Spot beſide the Glibe, and found after converſing with Maſons, Wrights, Smiths, Glaſiers and Sklaters, all diſcreet men, and expert handie-labourers, and of good Fame, that the ſame could not be built with ſuch Conveniencies as were neceſſar to accomodat the Miniſter of the Paroch, under the Sum of nine hundred eighty ſeven pound thirteen ſhilling four pennies, and found there was no place that could be deſigned for his Graſs, the Lands adjacent being arrable, and yearly cultivated, and that therefore the twenty pound allowed in place by the ſaid Act of Parliament ſhould be accepted of yearly, and made their Report in theſe Terms, to the ſaid Reverend Father, who after reading and reviſing thereof, approved of the ſame, as the ſaid Reference and Report likeways ſhown to the ſaids Lords has teſtified: And albeit it be of verity, that the ſaid Manſe be built accordingly, in the place deſigned and appointed, and to the value above-ſpecified, contained in the ſaid Report, conform to the Contract and Agreement paſt betwixt the Complainer, and ——— Maſon, ——— Wright, ——— Smith, ——— Glaſier and ——— Sklater thereanent, of the date the— day of ——— and — years, alſo ſhown to the ſaids Lords and the Complainer in poſſeſſion thereof, *Nevertheleſs*, the ſaids Heretors of the ſaid Paroch wrongouſly refuſe, poſtpone and defer to meet and Stent the ſame amongſt them, and divide the ſaids Sums upon each perſon, according to their reſpective Eſtates and Intereſts within the ſaid Parochin, and to appoint a Collector for receiving thereof, and to make payment to him of their reſpective Proportions accordingly, nor yet will they meet and ſtent upon the Diviſion and proportioning of the ſaid Sum of twenty pounds, appointed by the ſaid Act of Parliament, in liew and place of the ſaid Graſs yearly, according to their ſaids Eſtates and Intereſt as ſaid is, and make payment to the ſaid Complainer of their ſaid Proportions yearly ſince his entry to the ſaid Charge and Function, and likeways yearly in time coming during his ſaid lifetime and ſerving the Cure at the ſaid Kirk, without they be compelled as is alledged. *Our Will is herefore*, and we charge you ſtraitly and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority Cammand and Charge, the ſaids Heritors of the ſaid Parochin of — perſonally, or at their dwelling-places, to meet and conveen with the ſaid Complainer, within the ſaid Paroch Kirk, and there ſet down a Stent-Roll of each Heretors Proportion, not only of the ſaid Sum of — Money foreſaid, for building of the ſaid Manſe, but alſo of the ſaid Sum of twenty pounds for Graſs yearly, and that according to their ſeveral Eſtates and Intereſt within the ſaid Parochin, and appoint a Collector for receiving thereof, with Certification if they failzie, ſuch of the ſaids Heretors as ſhall be preſent, and ſhould all of them fail, ſuch as the Biſhop of the Dioceſs appoints, will ſet down the ſaid Stent by way of Roll, containing each

each mans Proportion in manner foreſaid, and appoint a Collector, and the ſame being ſua ſtented and proportioned by Roll as ſaid is, either by the ſaids Heretors, or ſuch of them as ſhall be preſent, and failling of all, by the Biſhops appointment, in manner foreſaid, and under their Hands, that ye in our ſaid Name and Authority, Command and Charge each Heretor to make payment to the ſaid Complainer, at leaſt to the ſaid Collector, of his Proportion ſua ſet down of the ſaid Sum of—— Money above-written for the ſaid Manſe, and likeways to pay to the Complainer his Proportion of the ſaid Sum of twenty pounds for the ſaid Graſs, and that yearly, as to the ſaid Graſs ſince the Complainers Entry to his ſaid Charge and Functicn of his Miniſtry at the ſaid Kirk, and of the like Proportions yearly, in all time coming during his Life-time, and ſerving the Cure thereat, after the Form and Tenor of the ſaid Act of Parliament, Preſentation, Collation, Inſtrument of Inſtitution, Reference, Report and Stent-Roll, in all Points, within 15 days next after the Charge, under the pain of Rebellion, and putting of them to our Horn, (*after this follow forth the Stile of a Horning and Poynding, only let after the Form and Tenor ſubſequent to the Poynding, be* ut ſupra, *and then ſay,* (According to Juſtice, becauſe the Lords have ſeen (*here take in the Becauſe on the back of the Bill, and then ſay,* as ye will anſwer, *&c. And let the date of the Bill be the date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *Some write Letters to pay to the Collector to be appointed by the Heretors preſent, and if none preſent, to the Collector to be nominat by the Biſhop, in which caſe the Letters muſt be raiſed at the Collectors Inſtance, and his Right produced.*

Nota, *Sometimes Miniſters have not a Glibe, and at other times the Glibe is not of the extent of the Act of Parliament, and at other times want Fewel, Foggage, Faill and Divot; As to all which, the ſaid Act, and ſeveral other Acts of Parliament determine a Remedy, and Letters accordingly, and in all or either of theſe Caſes, as a Miniſter ſtands circumſtantiat may be raiſed, and ſo may Letters be raiſed for repairing of his Manſe, if Ruinous, and not in good Condition at his Entry, founded upon the ſaids Acts againſt the Heretors, who are ordained ſo to do, and have Allowance out of the vacant Stipends; But in caſe upon the Deceaſe or Tranſplantation of the laſt Incumbent, a Miniſter be inſtanter inſtaled, and conſequently no Vacancy, I ſee no Act in that caſe to be a ground of Horning, and yet I think the Heretors muſt either forbear preſenting for half year, or ſome few days within it, ſo as they may not loſe their priviledge of Preſentation, and ſuffer the ſame to fall in the Churches hands* Jure devoluto, *or muſt do it themſelves, or may purſue the laſt Incumbent yet alive, or his Executors if dead, for the Miniſter muſt be accommodat.*

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to us be *M. J. M.* Miniſter at ——, That where upon the —— day of —— laſt by-paſt, the perſons reſpective after-named, all Heretors of the ſaid Parochin, were orderly denunced Rebells, and put to our Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt them, at the Inſtance of the

ſaid Complainer, for not payment making to him of their ſeveral Proportions after-ſpecified, of the Sum of —— *ſcots* Money, impoſed by way of Stent, for payment of the Manſe built within the ſaid Paroch, for the Complainer and his Succeſſors, Miniſters at the ſaid Kirk their Accomodation, and likeways for not payment making to him of their Proportions of the Sum of twenty pounds Money foreſaid, appointed by Act of Parliament to a Miniſter for Graſs for a Horſe and two Kine, where Graſs cannot be had in the Terms of the ſaid Act, and that in lieu and place of the ſaid Graſs, and that yearly as to the ſaid twenty pounds for the Graſs ſince the ſaid Complainer his entry to the ſaid Charge and Function, ilk an of them for their own parts, as is after divided, *viz. A. B.* of -- Heretor of the Lands of -- the Sum of-- Money foreſaid, as his Proportion of the ſaid Manſe, and the Sum of --Money above-written, as his Proportion of the ſaid 20 *lib.* for the ſaid Graſs yearly the ſaids years, *Item, W. C.* of -- as Heretor of the Lands of ——, the Sum of —— Money foreſaid, as his Proportion of the ſaid Manſe, and the Sum of —— Money abovwritten, as his Proportion of the ſaid 20 *lib.* for the ſaid Graſs yearly the ſaids years, *& ſic de cæteris*, (according to the Horning, Stent and Charge) *uſque ad finem* of all the Heretors charged and denunced; *And then ſay*, And that conform to the Act of Parliament, Reference, Report, and Stent-Roll made thereanent, as the ſaids Letters of Horning, with the Executions thereof duely Regiſtrat conform to the Act of Parliament, ſhown to our Lords of Council and Seſſion has teſtified: Under the Proceſs of the whilk Horn, the forenamed perſons Rebells above-ſpecified, have continually lyen and abidden ſenſyne, and yet daily Hant, Frequent, Reſort, and openly Repair to Kirks, Mercats, (*after this follow furth the Stile of a Caption* uſque ad finem, *and let the date of the Bill be the date of the* Letters, *and conclude with*

Ex Deliberatione Dominorum Concilii.

HORNING at a Miniſters Inſtance to repair the Kirk and Kirk-Yard-Dyks.

CHARLES, *&*. To Meſſengers, *&c.* Meaned and ſhown to us, by *M.J.M.* Miniſter of ——, within the Diocy of — That where by the 76 Act of the 9 Parliament of Queen *Mary*, holden at *Edinburgh* the fourth day of *June* 1563. It is Statute and Ordained (*For upholding and repairing of the Paroch-Kirks, and Kirk-Yards of the ſame, for burying the Dead within this Realm*) that the Lords of Secret Council put Order thereto, and Adviſe and Conſult how the ſame ſhould be done and upholden in times to come, and whatſomever Order that they ſhould happen to take for Repalleling and upholding of the ſaids Kirks and Kirk-yards thereof; The Queens Majeſty, with the Advice of the three Eſtates of this Realm in the ſaid Parliament, Declared, That whatſomever Orders were made and ſet furth by the ſaids Lords of Secret Council, and Execution to be declared by them thereupon, to be ſufficient, and of als great Strength and Effect, as, and if the ſame had been expreſly contained in the ſaid Act; Likeas, by the 54 Act of the third Parliament of King *James* the ſixth, our Grand father of ever Glorious Memory, holden at *Edinburgh* the 26 day of *January* 1572, (relative to the foreſaid Act of Parliament, and Act of Secret Council made conform thereto, the thirteenth day of *September* the ſaid year) His Majeſty with Advice of his Regent, and three Eſtates of Parliament, Ratified the ſaids Acts of Parliament and Secret Council with this Addition: That where the Parochiners being required to Elect and Choiſe perſons for making of the Taxation to the effect foreſaid, refuſes or delays, or where there

there is no Kirk Maſters or Deacons appointed, that then the Arch-biſhop, Biſhop, Superintendent, or Commiſſioner of the Kirks in time of their Viſitation, Nominat and Appoint at their diſcretion, perſons in every Parochin for making and ſetting of the Taxation, as alſo for receiving of the ſame, and Decerned and Declared the ſaid Denomination and Appointment to be ſufficient, and ſicklike, Execution to paſs for compelling of them, as might have been given and granted, by vertue of the ſaid Act of Secret Council, in caſe they had been elected by the Parochiners, and in like manner by the 232 Act of the fifteenth Parliament of the ſaid King *James* the ſixth, holden at *Edinburgh* the 19 day of *December* 1597, (*Intituled Kirk-Yard-Dyks ſhould be bigged*) It is Statute and Ordained, that all Parochiners of every Paroch-Kirk within this Realm, build and repair the Kirk-yard dykes of their own Paroch-Kirk with Stone and Morter, to the hight of two Elns, and to make ſufficient Stiles and Entreſies in the ſaids Dykes, to paſs to the Kirk and Kirk-yard thereof, as the ſaids Acts of Parliament Ordaining Letters to be direct thereupon by the Lords of Council and Seſſion, in manner under-written, in themſelves more fully proport, and albeit it be of verity that the ſaid Complainer as preſent Miniſter, Serving the Cure at the ſaid Kirk of —— has oft and diverſe times deſired and required the Heretors, Liferenters and Wodſetters of the Lands and others within the ſaid Parochin, to Build and Repair the ſaid Kirk which is now Ruinous in the Walls, Thatch and Timber thereof, Doors and Windows of the ſame, as alſo to big the Kirk-yard-dykes of the ſame, to the hight above-ſpecified, and to make ſufficient Stiles and Entries in the ſaids Dykes, to paſs to the Kirk and Kirk-yard thereof; *Nevertheleſs*, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled thereto as is alledged. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in Our Name and Authority Command and Charge the ſaids Heretors, Liferenters and Wodſetters of the Lands, and others lying within the ſaid Parochin, perſonally, or at their Dwelling-place, to Build and Repair the ſaid Paroch Kirk of —— in the Walls, Timber, Thatch, Doors and Windows thereof, and all other Places deficient; as alſo to build the Dykes of the ſame to the hight, & of the Quality above-mentioned, and for that effect to meet and ſet down a Stent, and Appoint Stent-maſters, & perſons for uplifting and receiving thereof, with Certification if they failzie, the Biſhop of the Diocie will Nominat and appoint perſons for making and ſetting down of the ſaid Taxation; And likeways after receiving of the ſame, either by the ſaids Parochiners their Appointment, or in caſe of their Refuſal or Delay, by the ſaid Biſhop, or ſuch perſons as he ſhall Appoint, to be applyed for the uſe and ends aforeſaid: And the ſaid Stent being ſua ſet down, that ye in our Name and Authority, Command and Charge the ſaids Heretors, Liferenters and Wadſetters, to make payment of the ſaid Taxation to the perſons to be appointed for receiving thereof, ilk an of them for their own parts, according to the ſaid Appointment and Stent-Roll to be ſet down for that effect, after the Form and Tenor of the ſaids Acts of Parliament, Act of Secret Council, and Stent-Roll aforeſaid, in all Points, within fifteen days next after the Charge, under the pain of Rebellion, and putting of them to our Horn, (*after this follow furth the Stile of a Horning, but not* Poynding, *and then ſay*) According to Juſtice, conform to the Acts of Parliament and Secret Council, as ye will anſwer, *&c. and let the date of the Bill be the date of the Letters, and then conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *I have ſeen ſeveral of thir Letters, but contained no* Poynding, *and I know no Reaſon for it, but proceeding upon a Stent-Roll, it was judged too ſummar, leaſt Parties leſed might have little time to redreſs themſelves*

ſelves by Suſpenſion, and yet Reaſon would incline that Poynding ſhould be in their Letters as well as the formers, but I follow what I have ſeen.

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to Us by M. *J. M.* Miniſter of ——, and *A. B.* of —— Collector after-ſpecified; That where upon the ——— day of — laſt by paſt, the perſons reſpective after-named, Heretors, Liferenters and Wodſetters of the Lands, and others lyand within the ſaid Parochin of —, were orderly Denunced Rebels, and put to the Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt them, at the Inſtance of the ſaid Complainer, for not payment making to the ſaid M. *J. M.* at leaſt to the ſaid *A. B.* of —— as Collector, appointed for that effect, Conform to his Commiſſion and Factory, dated the — day of —— alſo laſt by paſt, Regiſtrat in the — Books of ---, the day of —— alſo laſt by paſt, of their ſeveral Proportions after ſpecified, of the Sum of —— *ſcots* money, Stented for Bigging and Repairing of the ſaid Kirk, and Kirk-yard *D*ykes thereof, with *S*tyles and Entries thereto, to the Hight and of the Quality mentioned in the ſeveral Acts of of Parliament, and Act of Council made thereanent, ilk an of them for their own Parts as is after divided; *viz.* (*here Inſert each mans Proportion according to the Stent-roll, and particular Charge given be the Meſſenger accordingly, and then ſay*) and which Stent-roll is dated the —— day of ——, —— years, as the ſaids Letters of Horning, with the Executions thereof duely Regiſtrat, Conform to the Act of Parliament, with the ſaid Stent-roll and Factory ſhowen to our Lords of Council and Seſſion has teſtified. Under the Proceſs of the which Horn, the forenamed Perſons have continually layen and abidden ſenſyne; and yet dayly Haunt, frequent, reſort, and openly repair to Kirks, Mercats; (*after this follow forth the Stile of a Caption* uſque ad finem; *only after* According to Juſtice ſay, *Becauſe the Lords have ſeen the Regiſtrat Horning, Stent-roll and Factorie above-written*, as ye will anſwer to us thereupon, *&c. And let the date of the Bill be the date of the Letters, and conclude with*)

Ex Deliberatione Dominorum Concilii.

Nota, *The reaſon why the Stent-roll and Factory are mentioned in the Caption, is, becauſe the Horning being Raiſed at the Miniſters Inſtance, only to Meet, and Stent and appoint a Collector to receive: there is a neceſſity for Production of both; the one to clear the Proportions, and the other, that they may know to whom they are to pay.* 2. *Albeit the Miniſter be only Complainer in the Horning; yet the Collector at whoſe Inſtance the Heretors,* &c. *were Charged to make payment, is likewiſe now Complainer; becauſe by his Factory, being the Party to receive, is the perſon moſt proper to put the Caption in Execution, rather than the Miniſter who has no power to receive: And beſides, for a Miniſter to put Caption in Execution at his Inſtance againſt his own Parochiners, would appear unfavourable and Excentrick to his Holy Function, if not Envidious; albeit the Subject-matter be Religious, and that which men ſhould do without Compulſitors.*

LETTERS

LETTERS of Horning at the Inſtance of a School-maſter, for payment of his Sallarie.

CHARLES, &c. To Meſſengers, *&c.* Humbly meant and ſhowen to Us by M. *W. D.* Schoolmaſter of the Parochin of ——, within the Diocy of —; That where by the Fifth Act of the Firſt Parliament of King *Charles* the *1ſt.* of ever Bleſſed Memory, Holden by himſelf preſent in Perſon, upon the Twenty eighth day of *June* 1633, (Entituled the ſaid Act, *Ratification of the Act of Council of the Plantation of Schools*) His Majeſty with the Advice of the States, Ratified the Act of Secret Council, dated at *Edinburgh* the Tenth day of *December* 1616, made anent the *Planting of Schools*; with this Addition, *That the Biſhops in their ſeveral Viſitations, ſhall have power with Conſent of the Heretors and moſt part of the Parochiners; and if the Heretors being lawfully warned, refuſe to appear; Then with Conſent of the moſt part of the Parochiners, to ſet down and Stent upon every Plough or Husband Land according to the worth, for Maintainance and Eſtabliſhing of the ſaid Schools: And if any perſon ſhall find himſelf Grieved, it ſhould be lawful to him, to have Recourſe to the Lords of Secret Council, for Redreſs of any Prejudice he might or doth ſuſtain.* As the ſaid Act of Parliament of the date foreſaid; *Ordaining Letters to be Direct for Charging of the Poſſeſſors for the time, to anſwer and obey the School-maſters of their Duties that ſhould be appointed, in manner foreſaid in it ſelf more fully Proports.* And true it is, That the ſaid Complainer was upon the — day of —, — years, Called and Preſented by the Heretors, Miniſter and Elders of the ſaid Parochin, to be School-maſter within the ſaid Parochin during his Lifetime: and deſigned and appointed for him in name of Stipend or Sallary, —— Bolls Bear, — Bolls Oat-meal, and — of money; to be payed to him out of the Ploughs of Land after-ſpecified, lyand within the ſaid Parochin, by the Poſſeſſors for the time; ilk an of them for their own parts, and according to their ſeveral Proportions thereof, as is particularly after divided, *viz.* (*here inſert the perſons Lands out of which payable, and reſpective Proportions, and then ſay*) and that yearly during his continuance of being Schoolmaſter there; the ſaid Victual to be payed betwixt *Yule* and *Candleſmaſs* yearly, and the ſaid money at the Terms of —— yearly; beginning the firſt years payment of the ſaid Victual betwixt *Yule* and *Candleſmaſs* then next, for the Crop and year —— years; and the ſaid money at the Terms of —— alſo for the ſaid year, and ſua furth yearly the ſaid Victual; and termly the ſaid money during the ſpace above-ſpecified, Conform to the Stent-roll ſubſcribed and ſet down thereanent: And accordingly the Complainer was Approven of by the Biſhop of the Dioſie and Presbitery of ——, upon the —— day of ——, and Admitted and received by the Miniſter and Elders of the ſaid Parochin, the Heretors or Major part then preſent, upon the — day of —— thereafter, as the ſaid Preſentation, Approbation and Admiſſion ſhowen to our Lords of Council and Seſſion have teſtified. And albeit it be of Verity, that the ſaid Complainer has oft & diverſe times, deſired & required the preſent Poſſeſſors of the ſaids Lands, lyand within the ſaid Parochin, to make payment to him of the ſd Victual and Money, allocat and appointed for his ſaid Stipend and Sallary, as Schoolmaſter foreſaid, of all years and Terms bygone, reſting, owing, unpayed ſince his ſaid Entry to the ſaid Charge, and ſicklike yearly and termly in time coming, during his continuance therein, ilk an of them for their own parts, and according to their ſeveral Poſſeſſions as ſaid is; nevertheleſs, they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be Compelled as

is alledged. *Our Will is herefore*, and we Charge you ſtraitly and Command, That incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the forenamed perſons, preſent Poſſeſſors of the Lands and others above-ſpecified, lyand within the ſaid Parochin, and their Succeſſors in their reſpective Poſſeſſions thereof, perſonally or at their dwelling-places, to anſwer, obey, and make payment to the ſaid Complainer as School-maſter foreſaid, of his ſaid Victual and Money-ſtipend, or Sallary; and that of all Years and Terms bygone, reſting, owing, unpayed ſince his ſaid Entry to the ſaid Charge; and ſicklike yearly and termly in time coming, during his abode and continuance therein, (the Terms of payment of the ſamine being always firſt come and bygone) and ilk an of them for their own parts, and according to their ſeveral Poſſeſſions above-mentioned, after the Form and Tenor of the ſaids Acts of Parliament and Privy Council, Preſentation, Approbation, Admiſſion and Stent above-ſpecified in all Points, within fifeteen days next after the Charge, under the pain of Rebellion, and putting of them to our Horn, *(after this follow forth the Stile of an ordinary Horning without Poynding) and then* According to Juſtice, Conform to the Act of Parliament and Secret Council, *becauſe the Lords have ſeen the Preſentation, Approbation, Admiſſion and Stent-roll above-expreſt*, as ye will anſwer, *&c. and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

CAPTION upon the ſaid Horning.

CHARLES, &c. To —— Meſſengers, *&c.* Meant and ſhowen to Us by M. *W. D.* School-maſter of the Parochin of ——, within the Dioſe of ——; That where upon the --- day of --- laſt by paſt, the perſons reſpective after-named, were orderly Denunced Rebels and put to the Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt them, at the Inſtance of the ſaid Complainer, for not anſwering, obeying and making payment to him of the Victual after-ſpecified, of the Quality after-mentioned, and of the Sum of — *ſcots* money, all due by them to him as Schoolmaſter foreſaid, yearly ſince his Entry to the ſaid Charge, which as to the ſaid Victual, was of the Crop and year --- years; and as to the ſaid Money of the Term of --- the ſaid year, out of the Lands under-written, lyand within the ſaid Parochin, ilk an of them for their own parts, as is particularly after-divided, *viz. (here inſert each mans Proportion of Victual and Money, and Land out of which payable, and the Terms and Crops for which due, according to the Stent-roll or Agreement contained in the Horning, and the Charge given*) and to which Charge and Office, the Complainer was duely and lawfully preſented upon the -- day of --, -- years; Approven of by the Ordinary of the Dioſe, and Presbitery of --, the -- day of --, and accordingly Admitted and received the -- day of -- the ſaid year; as the ſaids Letters of Horning and Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion have teſtified. Under the Proceſs of the whilk Horn, the forenamed perſons Rebels foreſaids, have continually layen and abidden ſenſyne; and yet dayly haunt, frequent, reſort, and openly repair to Kirks, Mercats; *(after this follow the Stile of an ordinary Caption* uſque ad finem *) and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota,

Nota, *I have ſeen Letters of Horning at the Miniſters inſtance againſt his Parochiners, Founded upon an Act of Parliament then in force, but afterwards Repealed; (amongſt other Acts after his Majeſties happy Reſtauration) Bearing, that each Paroch ſhould have a School & School-maſter, whoſe Fees or Sallary ſhould not be below an hundred Merks, nor above two; which if any neceſſity for, or hereafter Practicable, is eaſily Raiſed, and ſo needs not a preſent Stile.*

HORNING for Implement of a Back-Bond as to a Truſt.

CHARLES, &c. To Meſſengers, *&c.* Greeting; Forſuameikle as *A. B* of — by his Back-bond dated the —— day of —— —— years, making mention, that albeit *C. D.* of —— had acquired the Right of an Appryſing, deduced at the Inſtance of *W. M.* of —— againſt *G. D.* of —— his Lands and Eſtate, upon the —— day of —— —— years, for the Sum of —— *ſcots* Money of Principal, and Sheriff-fee correſpondent, and taken the ſaid Right in the ſaid *A. B.* his perſon, and that the ſaid Right did bear to be granted to the ſaid *A. B.* by the ſaid *W. M.* Yet the Truth was, the ſaids Sums were truly payed by the ſaid *C. D.* and the Right of the ſaid Appryſing acquired by him in the perſon of the ſaid *A. B.* only in Truſt, and for the uſe and behove of the ſaid *C. D.* his Heirs and Aſſigneys, and therefore the ſaid *A. B.* band and obliged him his Heirs and Succeſſors to denude themſelves of the ſaid Appryſing, Grounds and Warrands thereof, and Infeftment (if any ſhould follow) thereupon, and Sums therein contained, and thereby due of the Law with all that followed or might follow upon the ſamen, in favours of the ſaid *C. D.* and his foreſaids, with Warrandice from the ſaid *A. B.* and his foreſaids, their own proper Facts and Deeds allanerly, and to deliver up to the ſaid *C. D.* and his foreſaids the ſaid Appryſing, Grounds and Infeftments, with all that ſhould follow thereon, and Right and Diſpoſition made by the ſaid *W. M.* to him thereof, being always payed of any neceſſary Expenſes deburſed by them in the ſaid matter (if any were) as the ſaid Back-bond of the date foreſaid inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof interponed thereto, upon the day and date of thir preſents, Ordaining thir our Letters to be direct thereupon in manner under-written, at more length proports. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B.* perſonally, or at his dwelling place, to denude himſelf of the ſaid Appryſing, Grounds thereof, Infeftment following thereupon, Sums of Money therein-contained, and thereby due of the Law, and Right made to him and his foreſaids thereof, in favours of the ſaid *C. D.* and his foreſaids, and to deliver up to them the ſaid Appryſing, Grounds thereof, Inſeftments following thereon, and Right aforeſaid made to them by the ſaid *W. M.* as ſaid is, with Warrandice in manner above-expreſt, upon payment to them of any neceſſary Expenſes they were at in the ſaid matter, in manner foreſaid, after the Form and Tenor of the ſaid Back-band, and Decreet interponed thereto, in all points, within —— days (to be ruled by the Clauſe of Regiſtration therein contained) next after the Charge, under the pain of Rebellion, and putting of him to our Horn (*after this follow furth the Stile of a Horning, but no Poynding, and then ſay*) According to Juſtice, as ye will anſwer, &c. *and the date of the Regiſtration muſt be the date of the Letters, and then conclude with*

Per Decretum Dominorum Concilii.

Nota, *If the Back-band doth not bear ſix, ten, or fifteen days, but in Form as effeirs, then the Letters muſt paſs by Bill, as has been formerly enjoyned, and it will be the more favourable for the Charger, that he require the Truſtee under Form of Inſtrument to denude, and make offer of the Expenſes deburſed; and which Inſtrument (as well as the regiſtrat Back-bond) would be produced to the Lords in the Bill to be given in for that effect, rather than a Horning ſummarly raiſed on the Back-band.*

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To *&c.* Meſſengers, *&c.* Greeting: Forſameikle as, it is humbly meaned and ſhown to us by *C. D.* of —— That where upon the — day of — laſt by paſt, *A. B.* of — was orderly denounced Rebel, and put to our Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt him, at the Inſtance of the ſaid Complainer, for not denuding himſelf of the Appryſing, led and deduced at the Inſtance of *W. M.* of —— againſt *G. D.* of —— and his Lands and Eſtate, upon the —— day of —— — years, with the Grounds thereof, and Infeftments following thereupon, if any was, and Sums of Money therein-contained, and thereby due of the Law, with all that followed thereupon, and of the Right granted by the ſaid *W. M.* to the ſaid *A. B.* his Heirs and Aſſigneys of the ſame, with Warrandice from their own Facts and Deeds, and that to and in favours of the ſaid Complainer, his Heirs and Aſſigneys, and for not delivering up to the Complainer the ſaid Appryſing, Grounds thereof, Infeftment and Right made by the ſaid *W. M.* to him as ſaid is, upon payment of any Expenſe neceſſarly deburſed by the ſaid *A. B.* in the ſaid matter, if any were, and that as being but a Truſt in the ſaid *A. B.* his perſon, to the uſe and behove of the ſaid Complainer and his foreſaids, conform to the Back-bond granted by the ſaid *A. B.* to him and his foreſaids thereupon, of the date the —— day of —— — years, Regiſtrat in the Books of Council and Seſſion, the —— day of —— laſt by-paſt (6) as the ſaids Letters of Horning, with the Executions thereof duely Regiſtrat, conform to the Act of Parliament ſhown to our Lords of Council and Seſſion has teſtified, under the Proceſs of the whilk Horn, the ſaid *A. B.* Rebel foreſaid has continually lyen and abidden ſenſyne, and yet daily and continually Haunts, Frequents, Reſorts, and openly Repairs to Kirks, Mercats (*after this follow furth the Stile of any Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*) *and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *If the Truſtee was required under form of Inſtrument to denude, and the Expenſe offered, ſtit is t the Caption as well as the Horning bear the ſame at this Figure of*

HORNING for Implement of a Minut of Contract anent the Sale of Lands.

CHARLES, *&c.* To *&c.* Meſſengers, *&c.* meaned and ſhown to us by *A. B.* of — That where by Minut of Contract made and paſt betwixt *C. D.* of —— and the ſaid Complainer on the one and other Parts, of the date the — day of —— — years, the ſaid *C. D.* (for the Sum of —— *ſcots* Money, payed,

payed, and to have been payed by the ſaid Complainer to him, the way, manner, and at the Terms therein-ſpecified) band and obliged him, his Heirs and Succeſſors, to obtain the full heretable and irredeemable Right of all and ſundry the Lands of —— (*here inſert the Lands and others contained in the Obligation of the Minut lying within the Parochin of--- and Sheriffdom of* —) legally and validly eſtabliſhed in his perſon, and being ſua eſtabliſhed, to Sell, Annalzie and diſpone the ſame in favours of the ſaid Complainer, his Heirs and Aſſigneys therein-mentioned, Heretablie and Irredeemably, with all Right he had or could pretend thereto, and to Infeft and Seaſe them therein by double Infeftments, and manner of Holdings to be holden *à me* or *de me*, in the Complainers option, and in manner therein expreſt, and to make, grant, ſubſcribe and deliver to the ſaid Complainer and his foreſaids, ſufficient Diſpoſitions (6) containing Procuratries of Reſignation, Charters containing Precepts of Seaſin, and other Securities requiſit and neceſſar thereanent, with abſolute Warrandice againſt all real Incumbrances and Grounds of Eviction whatſomever, bygane, preſent and to come, and likeways to purge the ſaids Lands and others foreſaids of all ſuch Incumbrances that ſhall be detected from Regiſters, and purchaſe and obtain to the ſaid Complainer and his foreſaids, either ſufficient Renunciations and Diſcharges of any ſuch Incumbrances, or thoſe in the Right and Title thereof, their Conſents to the ſaid Bargain and Diſpoſition to be extended thereupon, and to aſſign them to the Writes and Evidents of the ſaids Lands and others foreſaids in ample Form, and to deliver the ſame to them upon Inventar, and to make appear that the Progreſs thereof is full and compleat, and if any thing defective therein, to make the ſame up at the ſight, and by the Advice of Lawers, and to aſſign to them the Mails and Duties of the ſaids Lands and others foreſaids, of the Cropt — years, and haill Terms thereof, both Victual and Silver, Cuſtoms and Services, and to the Tack and Rights of the Teinds of the ſaids Lands, and Prorogations thereof, and Benefit of the ſame, both as to the Parſonage and Vicarage, alſo of the ſaid Cropt, and of both Lands and Teinds in all time-coming, and to make appear to the ſaid Complainer and his Lawers, that the Right of the ſaids Teinds is valid, and are to continue unexpired, and without any Defect and Nullity therein, for the ſpace of — Liferents, and — nineteen years after the ſaid *C. D.* his own Deceaſs, and that the ſaids Teinds pay no more yearly to the Titular Miniſters, or any other perſon but — Bolls Bear, (*here inſert what elſe payable*, and with the Burden of the payment whereof, the ſaid Cropt, and in time coming, the Right of the ſaids Teinds is to be granted, and the ſaid *C. D.* and his foreſaids, obliged to warrand againſt all future Augmentations, attour the preſent Duty, and what payed to the Miniſter as ſaid is, and in caſe by any ſupervenient Law, any Augmentations be granted upon the ſaids Teinds, or they otherways affected or evicted, the ſaid *C. D.* and his foreſaids are to ſecure againſt the ſame, and to repeat proportionally, and effeirand and correſpondent to any ſuch Augmentation or Eviction, the Complainer having payed als much for the Chalder of free Teind as for the Stock, and in caſe after Production of the Right of the ſaids Teinds, any defect at preſent may be found therein, and which *in fine* may be a ground of Eviction, the ſaid *C. D.* and his foreſaids, are obliged inſtantly to make up the ſaid Defect or Default proportionally of the Price, and the ſaid *C. D.* obliged him and his foreſaids to perform the whole Premiſſes to the ſaid Complainer and his foreſaids, betwixt the date of the ſaid Minut and the —— day of —— thereafter, and to make and cauſe his Lady ſubſcribe Conſenter to the ſaid Right, and out-with his own preſence, Ratifie the ſame Judicially, under the pain of —— Money foreſaid, to be payed by him and his foreſaids to the ſaid Complainer and his above-written, in name of liquidat Penalty in caſe of failzie, and that by and attour Perfor-

mance, and together therewith, as the ſaid Minut of Contract of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof interponed thereto, upon the —— day of —— alſo laſt bypaſt, Ordaining thir our Letters to be direct thereupon in manner underwritten, ſhown to our ſaids Lords of Council and Seſſion has teſtified, likeas upon the —— day of —— alſo laſt bypaſt (being the very day upon which both Parties were obliged to perform their parts of the ſaid Minut *hinc inde*) the ſaid Complainer lawfully offered to fulfill his part of the ſaid Minut *inſtanter & in terminis*, to the ſaid *C. D.* perſonally, and *de facto*, then, and there actually produced, all he was bound to perform, and required the ſaid *C. D.* to do the like, and he refuſing, or not in Capacity to do it, the Complainer proteſted againſt him, and that the Complainer himſelf was free of the Penalty on his part, and that the ſaid *C. D.* had incurred the Penalty on his part, and was lyable in payment thereof attour performance, as authentick Inſtruments taken thereupon in the Hands of —— Nottar publick (7) alſo ſhown to our ſaids Lords of Council and Seſſion have teſtified, and albeit it be of Verity that that the ſaid Complainer has oft and divers times deſired and required the ſaid *C. D.* to have fulfilled to him the ſaid Minut of Contract, in the haill Heads, Obligements, Articles and Clauſes thereof above-written, and to have made payment to him of the foreſaid Penalty incurred by him through not performance of the ſamen, in due time as ſaid is; *Nevertheleſs*, he wrongouſly refuſes, poſtpons and defers to do the ſame, without he be compelled, as is alledged. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. D.* perſonally, or at his dwelling-place, to obſerve, keep and fulfill to the ſaid Complainer, the foreſaid Minut of Contract, in the haill Heads, Obligements, Articles and Clauſes therrof above-written, and to make payment to the ſaid Complainer of the foreſaid Sum of —— of Penalty therein-contained, incurred by him through not performance thereof in due time, in manner above-expreſt, after the Form and Tenor of the ſaid Minut of Contract, Decreet interponed thereto, and Inſtruments above-ſpecified, in all points, within —— days (to be ruled by the Minut, and if no days therein, but in form as effeirs, make it on fifteen) next after the Charge, under the pain of Rebellion, and putting of the ſaid *C. D.* to our Horn. *After this follow furth the Stile of an ordinary Horning, but not Poynding, the ſubject matter not being liquid, except as to the Penalty, for which (being only annexed and adjected to the performance of the Obligements) there is no ſummar Execution by Poynding, and then ſay*; According to Juſtice, becauſe the Lords have ſeen the Regiſtrat Minut, and Inſtruments above-written, as ye will anſwer to us thereupon, *&c. and let the date of the Bill be the date of the Letters*, and conclude with.

Ex Deliberatione Dominorum Concilii.

Nota, *It may be asked ſince the Minut in the Clauſe of Regiſtration bears days, why doth this Horning paſs be Bill more as others? It is anſwered, becauſe of the Inſtrument.*

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To *&c.* Meſſengers, *&c.* Meaned and Shown to us by *A. B.* of —— That where upon the —— day of —— laſt by paſt, *C. D.* of

of —— was orderly denounced Rebel, and put to our Horn, by vertue of Letters of Horuing, Raiſed, uſed and execute againſt him, at the Inſtance of the ſaid Complainer, for not obtaining the full Heretable and Irredeemable Right of all and ſundry the Lands of (*here inſert them as in the Horning*) lyand within the Parochin of —— and Sheriffdom of —— legally and validly eſtabliſhed in his perſon, and being ſua eſtabliſhed for not Selling, Annalzeing and diſponing the ſame in favours of the ſaid Complainer, his Heirs and Aſſigneys ſpecified in the Minut aftermentioned, Heretablie and Irredeemably, with all Right he had or could pretend thereto, and for not Infefting and ſeaſing them therein, by double Infeftments, and manner of Holdings to be holden *à me* or *de me*, in their option, in manner-ſpecified in the ſaid Minut, and for not granting, ſubſcribing and delivering to the ſaid Complainer and his foreſaids ſufficient Diſpoſitions (*here take in from the 6 Figure in the Narrative of the Horning, till ye come to the 7 Figure, with theſe Alterations.* 1. Whereas the Horning bears in all it's Narrative to do ſuch a thing, and to do ſuch a thing in the Infinitive in the Caption, ye muſt ſay in the Ablative, for not doing ſuch a thing. 2. Whereas the Horning bears, as the ſaid Minut Regiſtrat ſuch a day, and Ordaining Execution to paſs thereon, ye muſt ſay only, and which Minut was Regiſtrat in the Books of Council and Seſſion ſuch a day, Month and Year. 3. Whereas the Horning bears, as authentick Inſtruments, *&c.* ſhown to the Lords, *&c.* ye muſt only ſay in the Caption and Inſtruments taken thereupon in the Hands of —— Nottar publick, for in a Caption, nothing is produced but the Regiſtrat Horning, and then ſay, as the ſaids Letters of Horning, and Executions thereof duely regiſtrat conform to the Act of Parliament, ſhown to our Lords of Council and Seſſion have teſtified; Under the Proceſs of which Horn, the ſaid *C. D.* Rebel foreſaid has continually lyen and abidden ſenſyne, and yet daily Haunts, frequents, reſorts, and openly Repairs to Kirks, Mercats, *&c.* (*After this follow forth the Stile of an ordinary Caption*, uſque ad finem, *only let the date of the Bill be the date of the Letters, and Conclude with*)

Ex Deliberatione Dominorum Concilii.

HORNING upon a Contract or Indenture of Marches, bearing days in the Clauſe of Regiſtration.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Greeting: Foreſameikle as, by by Indentures of Marches (made by way of Contract) betwixt *A.* B. of and *C.* D of — on the one and other parts, of the Date the —— day of —— years, making mention, that they and their Predeceſſors being neighbouring Heretors, and a conſiderable part of their Eſtate lying contiguous, did for many years continue in a firm Peace, Love and Amity, until of late, that ſome controverſie & Debates in point of Marches have ariſen amongſt them, and more by the Inſtigation of ſome of their Tennents than their own Inclinations, and ſhould they go to Law upon that Head, as the Expenſe would prove great, ſo the Advantage that either Party would *in fine* propoſe to himſelf or Succeſſors, could not be of great value, beſides the bad effects of Animoſities betwixt Neighbours, even in their own time, and the evil preſages of a viſible Seed of Plea to their Poſterity; And conſidering, that Difference in Marches have expoſed Men to great Hazards, yea the effuſion of Blood, and irradication of Fortunes and Eſtates, beyond that they can pretend to, and being willing to obviat all inconveniences of that Nature, and to live in Peace and Unity, together, and to tranſmit the like Bleſſing to their Poſterity: Therefore, and not-

withſtanding of whatever either of the ſaids Parties their juſt pretences might be, either in point of Right or Poſſeſſion immemorially, they Fully, Freely, Frankly and peaceably Agreed, Accorded and Reſolved all their Debates and Controverſies relating to their Marches in the Terms following, *viz.* In the firſt, it was agreed and condeſcended, that the ſaid *A.B.* his March on the *South* of his Lands of —— ſhall begin at —— and extend it ſelf to ——, and that the March of his Lands of —— ſhall begin at —— and extend it ſelf to —, and that in Property to remain with him, his Heirs and Succeſſors as ſuch for ever in all time coming; And in the next place, that the ſaid *C. D* his March of his Lands of — ſhall begin at the *Eaſt* from —— and extend it ſelf to —, and that in Property to remain with him, his Heirs and Succeſſors, as ſuch for ever in all time coming, and for the better clearing of the ſaids Marches, and that there might be no Miſtakes for the future, both the ſaids Parties band and obliged them and their foreſaids, betwixt and the — day of —— then next, to have their own March-Stones in readineſs, conſiſting of an Eln & half in hight, and — in Square, with the Initial Letters of their Names in the Top of their own March-Stones for diſtinction, and the next day thereafter, to compear on the Ground where the reſpective Marches begin, and terminat betwixt the Hours of — in the forenoon, accompanied and attended with all their Men-Tennents and Servants, and then and there in their preſence, fix and ſet the ſaids March Stones in their reſpective places, where the ſaids Marches are appointed to begin and Terminat in manner foreſaid, and as to the other Marches of the ſaids Parties their Lands adjacent: It was agreed and condeſcended that the ſame continue as formerly by the old Dykes, and becauſe the ſaids Dykes are failing, and may in a ſhort time ſo fail as they may become inviſible (and no Veſtige thereof remaining) which may occaſion new Debates and Controverſies, albeit not in this Age, yet in after times, therefore both Parties oblige them and their foreſaids, to cauſe their Tennents joyntly caſt Faill at the Root of the ſaids old Dykes, and build Dykes to the hight of ſix Quarters on the old Found, and that betwixt and the ſaid day, and how oft either the ſaids March-Stones fall down, or the ſaids Dykes decay, to ſet up the ſaids Stones in their proper places, and re-build the ſaids Dykes on the ſame Found; And in the third place as to the Commontie in debate betwixt the ſaids Parties, it was agreed and condeſcended, that the Hills and Muirs of —— ſhall be poſſeſt by the ſaids Parties and their foreſaids, and Tennents and Poſſeſſors of their reſpective Lands and Eſtates, as Commontie in all time coming, without any Claim or Pretext to be made by either of them or their foreſaids thereto as Property for the future, and both Parties band and obliged them, their Heirs and Succeſſors, to diſcharge one another of all Letters of Lawburrows and Controventions *hinc inde*, and to fulfil the Premiſſes to one another betwixt and the —— day of —— then next, but any longer delay, and the Partie failzier to pay to the Party obſerver, or willing to obſerve the ſame, the Sum of —— *Scots* Money, in name of liquidat Penalty in caſe of failzie, and that by and attour performance, and together therewith, as the ſaids Indentures (made by way of Contract as ſaid is) Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of our Lords thereof interponed thereto, upon the day and date of thir Preſents, ordaining thir our Letters to be direct thereupon in manner under-written, at more length proports. *Our Will is herefore*, and we charge you ſtraitly and command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, command and charge the ſaid *C. D.* Perſonally, or at his Dwelling-place, to have his ſaid March-Stones in readineſs, and to ſet the ſame in the places above-ſpecified, appointed for that effect, in preſence of both Parties, Tennents and Servants, as ſaid is, and to cauſe his ſaids Tennents, joyntly with the ſaid *A. B.* his Tennents, caſt the

ſaid

ſaid Faill in the place aforeſaid, and build the ſaid Dyke therewith upon the Found of the ſaid old Dyke, and to fulfil to the ſaid *A. B.* the ſaid Contract or Indentures in the haill remanent Heads thereof, in ſo far as he ſtands obliged to him thereby, and make payment to him of the ſaid Penalty, after the Form and Tenor thereof, and Decreet interponed thereto in all Points, within — days, (to be ruled according to the Clauſe of Regiſtration) next after the Charge, under the pain of Rebellion, and putting of him to our Horn, (*after this follow forth the Stile of an ordinary Horning, and then ſay*) According to Juſtice, as ye will anſwer, *&c. and let the date of the Regiſtration be the date of the Letters*, and conclude with

Per Decretum Dominorum Concilii.

Nota, *Some Parties becauſe of the Penalty require the other Party upon the day appointed to perform, and proteſt for the Failzie, and in effect is the better way, and in that caſe the Horning muſt paſs by way of Bill, and the Inſtrument (as well as the Contract or Indentures) muſt be produced, and the Deliverance of the Bill bears no leſs, and the date of the Bill muſt be the date of the Letters, and remember there muſt be no Poynding in the Letters, being a Penalty adjected to the Preſtration of Obligements, and not for liquid Sums*, and conclude with

Ex Deliberatione Dominorum Concilii.

CAPTION upon the ſaid firſt Horning upon the Contract or Indentures, without relation to the Inſtrument.

CHARLES, &c. To —— Meſſengers, *&c.* Meaned and ſhown to us by *A. B.* of —— That where upon the —— day of — laſt bypaſt, *C. D.* of —— was orderly denunced Rebel, and put to our Horn, by vertue of Letters of Horning, raiſed, uſed and Execute againſt him; at the Inſtance of the ſaid Complainer, for not having his March-ſtones in readineſs, and fixing and placing the ſame at — and at — where the ſaid Complainer and the ſaid *C. D.* their Lands of —— at the *South* Meit, and at —— and —— where the ſaid Complainer and the ſaid C. *D.* his Lands of —— meet, and at —— and —— where the ſaid *C.* D. his Lands and the Complainers Lands of —— meet at the *Eaſt*, to be fixed by both Parties in preſence of their Men-Tennents and Servants joyntly, and with the ſaid Complainer, and *C. D.* their Initial Letters of their Names on the Top of the ſaids Stones, of the Hight and Square and Breadth ſpecified in the Contract under-written; and als, for not caſting of Faill joyntly with the ſaid Complainer his Tennents at the foot of the old Dyke, betwixt their Lands of —— and ----, and not building therewith a Dyke of an Elne and a half in hight upon the old Found, for preſervation of that part of their March, conform to the Indentures of Marches after-ſpecified: And laſtly, for not obſerving, keeping and fulfilling to the ſaid Complainer of the ſaids Indentures of Marches, made by way of Contract betwixt them, anent the Marches aforeſaid, and their Commontie dated the --- day of ---- years, Regiſtrat in the Books of Council and Seſſion the --- day of ---- laſt bypaſt, and for not payment to the ſaid Complainer of the Penalty of —— *Scots* Money therein contained (6) as the ſaids Letters of Horning and Executions thereof duely regiſtrat, conform to the Act of Parliament ſhown to our Lords of Council and Seſſion have teſtified: Under the Proceſs of the whilk Horn, the ſaid *C. D.* Rebel foreſaid has continually lyen and abidden

ſenſyne, and yet daily haunts, frequents, reſorts, and openly repaits to Kirks, Mercats, *&c.* (*After this follow furth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *If there be an Inſtrument mentioned and produced, in the Horning as has been ſaid then after the* (6) *Figure add*, and conform to an Inſtrument taken againſt him, in the hands of --- Nottar publick, the --- day of --- laſt bypaſt.

HORNING at an Heretors Inſtance againſt his Tacksman, for payment of the Tack-duty.

CHARLES, *&c.* To Meſſengers, *&c.* Greeting; Forſuameikle, as by Tack made by way of Contract, betwixt *A. B.* of ——, and *J. M.* in —— on the one and other parts, of the date the —— day of --, —— years, the ſaid *J. M.* (for the Tack and Aſſedation of the Lands of ——, (*here inſert as in the Tack*) whether only Stock, or Stock and Teind ſet by the ſaid *A. B.* to him, his Heirs and Sub-tennents of no higher Degree than himſelf, for the ſpace of —— Crops and years next, and immediatly following his Entrie thereto, which was for the Houſes and Graſs at the Term of ——, and as to the Lands at the ſeparation of the Crop from the Ground the ſaid year) Bound and obliged him, his Heirs, *&c.* to content and pay to the ſaid *A. B.* his Heirs and Aſſigneys, all and haill (*here take in the Tack-duty, both Victual and its Quality, Silver-rent, Cuſtomes and Carriages*) and that yearly, during the whole ſpace of the ſaid Tack, beginning the firſt years payment of the ſaid Victual-duty betwixt *Yule* and *Candleſmaſs* —— years; and the firſt Terms payment of the ſaid Money-rent at the Term of ——; and the firſt Terms payment of the Cuſtom-Wedders at ——; and of the Hens and Capons at ——; and of the Ariages and Carriages at the times uſed and wont; and ſua furth yearly and Termly thereafter at the Terms and times of payment above-mentioned, during the whole ſpace of the ſaid Tack. And both Parties Bound and obliged them, their Heirs and Executors, to fulfil and perform the ſaid Tack to one another; and the Party Failzier to content & pay to the Party Obſerver, or willing to obſerve the ſame, the Sum of -- *ſcots* money, in name of liquidat Penalty in caſe of Failzie, and that by and attour Performance; and together therewith, as the ſaid Tack made by way of Contract as ſaid is, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of our Lords thereof Interponed thereto, upon the day and date of thir Preſents; Ordaining thir our Letters of Horning and others neceſſar to paſs thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid *J. M. &c.* to make payment to the ſaid *A. B.* of the ſaid Victual-rent of the Quality foreſaid; and of the ſaid Money-rent, Cuſtomes and Services above-ſpecified, of all years and Terms bygone, reſting, owing, unpayed ſince his ſaid Entry to the ſaids Lands and others foreſaids; and ſicklike, yearly and Termly in time coming, during the haill years and ſpace of the ſaid Tack, (the Terms of payment of the ſame being firſt come and bygone) and ſicklike, to make payment to him of the ſaid Penalty for ilk years or Terms Failzie,

Failzie, after the Form and Tenor of the ſaid Tack, and Decreet Interponed thereto in all Points, within —— days (*to be ruled by the Clauſe of Regiſtration*) next after the Charge, under the pain of Rebellion and putting of him to our Horn; (*follow forth the Stile of an Horning and Poynding, but in the cloſe of the Poynding, ſay*) to the Avail and Quantity of the ſaid liquidat Sums, & make the ſaid *A. B.* compleatly payed thereof, after the Form and Tenor of the ſaid Tack and Decreet Interponed thereto in all Points, According to Juſtice as ye will anſwer, *&c. And let the date of the Regiſtration, be the date of the Letters*, and conclude with

Per Decretum Dominorum Concilii.

CAPTION upon the ſaid Horning.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meant and ſhowen to Us by *A. B.* of ——; That where upon the —— day of —— laſt by paſt, *J. M.* in —, now Tackſman of the Lands and others after-ſpecified, was orderly Denounced Rebel and put to the Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt him, at the Inſtance of the ſaid Complainer, for not payment making to him of (*here take in what of the Duties are reſting, and Charged for allanerly, becauſe there may be more contained in the Tack than is due*) *and then ſay*, and als of the Sum of —— *ſcots* money of Penalty, contained in a Tack made (by way of Contract) betwixt the ſaid Complainer and the ſaid *J. M.* dated the —— day of ---, --- years; and whereby the Complainer ſet to him the Lands of --- (*here inſert the Lands and others as in the Tack*) for payment of the Tack-duty therein ſpecified during the years, and of the Terms and times therein expreſt; and whereof the Victual, Money, Rent and Cuſtomes, with the Services above-written, (for which the ſaid *J. M.* is Denounced as ſaid is) are a part; and which Tack, is Regiſtrat in the Books of Council and Seſſion the --- day of ---, --- years, as the ſaids Letters of Horning, with the Executions thereof duely Regiſtrat, Conform to the Act of Parliament ſhowen to our Lords of Council and Seſſion have teſtified. Under the Proceſs of the which Horn, the ſaid *J. M.* Rebel foreſaid, has continually layen and abidden ſenſyne; and yet dayly Haunts, frequents, reſorts, and openly repairs to Kirks, Mercats, *&c. After this follow forth the Stile of an ordinary Caption* uſque ad finem, *and make the date of the Bill the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

LETTERS of Horning for Implement of a Decreet Arbitral.

CHARLES, *&c.* To *&c.* Meſſengers, *&c.* Greeting; Forſuameikle, as *A. B.* of ---, and *C. D.* of ---, having (by their Submiſſion of the date the --- of ---, --- years, ſubmitted to M. *J. B.* of ---, and M. *W. M.* of ---, as Judges Arbitrators, and amicable Compoſitors, Elected, Nominat and Choſen by them, and in caſe of variance betwixt them, to any perſon whom they ſhould pleaſe Nominat and appoint Overſman) all Debts, Sums of money, Clags, Claims, Queſtions, Debates and Controverſies betwixt the ſaids Parties, and all Actions and Suits of Law commenced by either of the ſaids Parties, againſt others thereanent; and all Acts and Interloquitors made therein,

and Probation made use of, and led and deduced in the saids Actions, and what else they might ask, seek or crave of one another, or had to lay to one anothers Charge, for whatsomever Cause, Fact, Deed or Occasion bygone, preceeding the day and date of the said Submission; and what either of them should do and perform to others, in relation to the Premisses, conform to the Claims and Answers to have been given in by them *hinc inde* against one another, to the saids Arbitrators or Oversman (in case of variance betwixt them) thereanent; and all holden as for expresst in the said Submission *brevitatis causa*, with power to Determine therein, betwixt and the --- day of --- then next, and obliged them to Adhere thereto and fullfil the same, under the pain of --- *Scots* money, attour Performance. Likeas the saids Arbitrators, having accepted in and upon them the Decision of the saids Matters, debatable and controvertable betwixt the saids Parties; and having not only received in both Parties Claimes and Answers in relation thereto; but also fully heard both Parties thereanent: and having God and a good Conscience before their eyes, They by their Decreet Arbitral, given and pronounced by them in the Premisses, upon the — day of —, —— years, (*Written and filled up in the Blank on the back of the said Submission, subscribed by the saids Parties before famous Witnesses*) *Decerned and Ordained*, and gave forth, pronounced and delivered their Decreet and final Sentence, Arbitral in the said Matter as follows: In the first they decerned and ordained, (*here take in the Decernitor as to both Parties, and the time prefixed for Implement, and then say*) and ordained both Parties to fullfil and perform the Premisses to one another, betwixt and the —— day of —— then next to come; and the Party failzier, to content and pay to the Party observer, or willing to observe the same, the Sum of —— Money foresaid, (*being in effect the Penalty contained in the said Submission*) in name of liquidat Penalty in case of Failzie, and that by and attour performance, and together therewith as the said Submission, consenting the same with the Decreet Arbitral to follow thereupon, be Registrat in manner after-specified: And the said Decreet Arbitral it self, Ordaining the same with the said Submission to be also Registrat in manner underwritten; and accordingly both Insert and Registrat in Books of Councel and Session, and a Decreet of the Lords thereof Interponed thereto, upon the day and date of thir Presents, Ordaining thir our Letters to be Direct thereupon, in manner underwritten at more length proports. *Our Will is therefore*, and we Charge you straitly, and Command, That incontinent thir our Letters seen ye pass, and in our Name and Authority, Command and Charge the said *C. D.* personally, or at his dwelling-place, to fullfil and perform to the said *A. B.* the foresaid Decreet Arbitral, in the hail Heads, Articles and Clauses thereof, in so far as the said *C. D.* stands obliged, and decerned to him thereby; and to make payment to the said *A. B.* of the foresaid Penalty of —— money foresaid therein contained, after the Form and Tenor of the said Submission, Decreet Arbitral following thereupon, and Decreet of the saids Lords Interponed to both in all Points, within —— days, (to be ruled by the Submission and Decreet Arbitral, next after the Charge, under the pain of Rebellion) *after this follow forth the Stile of an ordinary Horning, but no Poynding, except the Decreet Arbitral bear liquid Sums to be Decerned; and then for those Sums and Penalty, there may be Poynding; and then say* According to Justice as ye will answer, *&c. And let the date of the Registration be the date of the Letters*, and conclude with

Per Decretum Dominorum Concilii.

CAPTION

CAPTION upon the said Horning.

CHARLES, &c. To —— Messengers, &c. Meant and shown to us by *A. B.* of ——; That where upon the —— day of —— last by past, *C. D.* of ——, was orderly denounced Rebel and put to the Horn, by vertue of Letters of Horning, Raised, used and Execute against him, at the Instance of the said Complainer, for not Implementing and fulfilling to him of a Decreet Arbitral, given and pronounced by M. *J. B.* of ——, and M. *W. M.* of ——, as Judges Arbitrators, and Amicable Compositors, Elected, Nominat and Chosen by the said Complainer: and the said *C. D.* for composing the Debates, Controversies and Differences amongst them, and that upon the -- day of 16-- years, proceeding upon a Submission made and subscribed by them in the matter, upon the —— day of —— preceeding; and to the which Arbitrators, or in case of Variance betwixt them, to the Overisman to have been appointed by them, they gave power to Decide therein, and obliged themselves, their Heirs and Executors, to adhere to their Determination, and fullfil the same but any Appellation, under the Penalty after-specified attour performance: And by the which Decreet Arbitral, the saids Judges Arbitrators, Decerned the said *C. D.* to make payment to the said Complainer; (*here insert all payable, or otherways Prestable by the Decreet Arbitral to the Complainer, and the Causes for which, as they are contained in the said Decreet and Horning*) *and then say*, and for not payment making to the said Complainer, of the Sum of —— *scots* money of Penalty, contained in the said Submission and Decreet Arbitral following thereupon, because of not performance; and which Submission and Decreet Arbitral, are Registrat in the Books of Council and Session, the —— day of —— last by past, as the saids Letters of Horning and Executions thereof, duely Registrat, conform to the Act of Parliament shown to our Lords of Council and Session have testified: under the Process of the which Horn, the said *C. D.* Rebel foresaid, has continually layen and abidden sensyne, and yet daily and continually Haunts, Frequents, Resorts, and openly Repairs to Kirks, Mercats; *after this follow forth the Stile of an ordinary Caption* usque ad finem, *and let the date of the Bill be the date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

HORNING upon that Clause in a Contract of Wodset, whereby the Heretor is obliged (in case of not punctual payment (at the Term therein prefixed) of the principal Sum whereupon the Lands were Hipothecat and Redeemable) to Renounce the Reversion, and all power of Redemption by vertue thereof.

CHARLES, &c. To Messengers, &c. Greeting; Forsameikle as by Contract of Wodset, made and past betwixt *C. D.* of ——, Heretable Proprietar of the Lands and others after-specified; and having Right to the Parsonage, Teinds thereof after-mentioned in manner after expreſt: and M. *J. B.* of ——, on the one and other parts, of the date the —— day of ——, —— years, the said *C. D.* (for the Sum of ——, usual money of this Realm, then borrowed and received by him, from the said M. *J. B.* in manner therein rehearsed) Sold, Annalzied, Wodset, and Disponed to the said M. *J. B.* his Heirs and Assigneys whatsomever, heretably, all and

haill his Lands of ——, lyand within the Parochin of ——, and Sheriffdom of —; and Bound and obliged him, his Heirs and Succeſſors, to Inteſt and Seaſe the ſaid M. *J. B.* and his foreſaids, heretably therein by double Infeftments, to be holden, and with abſolute Warrandice in manner ſpecified in the ſaid Contract; whereby the ſaid *C. D.* alſo Aſſigned, Transferred and Diſponed in favours of the ſaid M. *J. B.* and his foreſaids, the haill Writs and Evidents of the ſaids Lands and others foreſaids, together with the haill Tacks, Prorogations, Valuations, and other Rights made and granted to him and his Predeceſſors, Cedents and Authors of the Teind-ſheaves and Perſonage teinds of the ſame Lands, and others above, Wodſet with the Pertinents, and Conſtitute the ſaid M. *J. B.* and his foreſaids, his Aſſigneys, to the Mails, Duties, and Caſualities of the ſaids Lands and others foreſaids, of the Crop and year of God — years, and yearly thereafter in all time coming, during the not Redemption of the ſaids Lands, Teinds and others foreſaids: And in like manner, the ſaid *C. D.* Bound and obliged him and his foreſaids, to Redeem, Looſe, and Outquite the ſaids Lands, Teinds, and others above Wodſet with the Pertinents, frae the ſaid M. *J. B.* and his foreſaids, by real and punctual payment making to them of the ſaid Sum of — Money foreſaid, (for which the ſame were Hypothecat as ſaid is) and that in real, numerat and down-told Gold and Money, having paſſage and courſe of payment within this our Realm for the time, (*and all Copper, baſe and Lay-money excepted and ſecluded*) and that upon the Term of —, even 16-- and —— years, together with a Terms Annualrent thereof; and to make Premonition to the ſaid M. *J. B.* and his foreſaids for that effect, fourty days of before perſonally, or at their dwelling places for the time, in preſence of a Nottar and Witneſſes as effeirs: and the place of payment to be within —, betwixt the hours of — and —— in the Forenoon: and in caſe of their abſence or willful refuſal, the ſame to be Conſigned in the hands of ——, to be forthcoming to the ſaid M. *J. B.* and his foreſaids, upon the peril of the Conſigner: And which Sum and Terms Annualrent aforeſaid being ſo payed, or in caſe of abſence or willful refuſal as ſaid is, truly and really Conſigned in manner foreſaid; Then and in that caſe by the ſaid Contract, it is expreſly provided and declared, that the ſaids Lands, Teinds and others foreſaids, ſhould be holden and repute as lawfully Redeemed in all time thereafter: and the ſaid Wodſet, Right and Infeftments following thereupon, Extinct, void and Null, as if the ſame had never been granted. But on the other part by the ſaid Contract, it is not only expreſly provided and declared, That in caſe the ſaid *C. D.* or his foreſaids, did not punctually pay the ſaid Sum of —— money foreſaid with the ſaid Terms Annualrent, at the ſaid Term of ——, even (*to which Premonition was appointed to be uſed as ſaid is*) and thereby lawfully Redeem, Looſe and Outquite the ſaids Lands, Teinds and others foreſaids, frae the ſaid M. *J. B.* and his above-written; That then and in that caſe, the ſaid Reverſion, and all power of Redemption by vertue thereof, ſhould not only from thence forth Expire and become Extinct, void and Null in themſelves; and as if no ſuch Reverſion or power of Redemption had never been made, granted or provided, and for ever thereafter become irredeemable: But alſo the ſaid *C. D.* Bound and obliged him and his foreſaids, to overgive, Diſcharge and Renounce the ſaid Reverſion and all power of Redemption by vertue thereof, in favours of the ſaid M. *J. B.* and his foreſaids, to the effect, the ſame Lands, Teinds and other above written, with the Pertinents, may remain, continue and abide with the ſaid M. *J. B.* and his foreſaids, as their own proper Lands, Heretage and Teinds, heretably and irredeemably thereafter, in all time coming, but any manner of Reverſion, Redemption or Regreſs, Bond, Promiſe, or Condition of Reverſion whatſomever; and as if the ſame had *ab initio* been irredeemably Diſponed: and

to

to pay to the ſaid M. *J. B.* and his foreſaids, the Sum of —— Money above written, in name of liquidat Penalty, in caſe of Failzie in granting of the ſaid Renounciation, and that by and attour performance thereof, and together therewith, as the ſaid Contract of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the day and date of thir Preſents, Ordaining thir our Letters to be Direct thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we Charge you ſtraitly and Command, That incontinent thir our Letters ſeen ye paſs; and in our Name and Authority, Command and Charge the ſaid *C. D.* perſonally, or at his dwelling-place, to Overgive, Diſcharge and Renounce the foreſaid Reverſion, and all power of Redemption of the ſaids Lands, Teinds and others foreſaids, by vertue thereof, to and in favours of the ſaid M. *J. B.* and his foreſaids; to the effect the ſame may continue, remain and abide with them as their own proper Lands, Heretage and Teinds, heretably and irredeemably in all time coming, in manner above expreſt: And als to make payment to him of the ſaid Sum of — money foreſaid, Incurred by him of Penalty through his not Renouncing as ſaid is, in reſpect the ſame were not lawfully Redeemed by the ſaid *C. D.* at the ſaid Term of —, even laſt by paſt, conform to, and in the Terms of the ſaid Reverſion, Proviſion and Condition therein contained, in manner above rehearſed, after the Form and Tenor of the ſaid Contract, and expreſs Condition, Proviſion and Declaration therein contained in all Points, within —— days, (*to be ruled according to the Clauſe of Regiſtration in the Contract*) next after the Charge, under the pain of Rebellion, and putting of him to our Horn; (*after this follow forth the Stile of an ordinary Horning* (*without Poynding*) *and then ſay*) According to Juſtice as ye will anſwer, *&c. &c. And let the date of the Regiſtration of the Contract, be the date of the Letters, and conclude with*

Per Decretum Dominorum Concilii.

Nota, *I was ever of the Opinion, that* in re tam ardua (*as the loſs of a Reverſion*) *Inſtruments ſhould be taken upon the Failzier before Horning were raiſed, and raiſed by way of Bill, and the Inſtrument therewith produced.*

CAPTION upon the ſaid Horning.

CHARLES, &c. To *&c.* Meſſengers, *&c.* Meant and ſhowen to Us by M. *J. B.* of —; That where upon the — day of — laſt by paſt, *C. D.* of —, was orderly denounced Rebel, and put to our Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt him at the Inſtance of the ſaid Complainer, for not Overgiving, Diſcharging and Renouncing in favours of the ſaid Complainer, his Heirs and Aſſigneys, the Reverſion of the Lands of --, (*here Inſert the Lands as in the Narrative of the Horning*) *& then ſay* lyand within the Parochin of —, and Sheriffdom of —, with the Parſonage-teinds thereof, Wodſet Diſponed and Aſſigned by the ſaid *C. D.* to them, for the Sum of — *ſcots* Money, and all power of Redemption competent to the ſaid *C. D.* his Heirs and Aſſigneys by vertue thereof, to the effect the ſame may continue, remain and abide with the ſaid Complainer and his foreſaids, as their own proper Lands, Heretage and Teinds, heretably and irredeemably in all time coming, but any manner of Reverſion, Redemption, Regreſs, Bond, Promiſe, or Condition of Reverſion, whatſomever; and as if

there had been no Reverſion provided by the Contract after-ſpecified; but that the ſaids Lands, Teinds and others foreſaids, had *ab initio*, been irredeemably Diſponed by the ſaid *C.* D. to the ſaid Complainer and his foreſaids, and that in reſpect the ſaid *C.* D. did not lawfully Redeem, Looſe and Outquite the ſame from the ſaid Complainer and his above-written, at the Term of — even laſt by paſt, by payment of the ſaid Sum of ——, and that Terms Annualrent to which Premonition ſhould have been uſed, upon lawful Premonition of fourty days of before, to be made by the ſaid *C.* D. to the ſaid Complainer and his foreſaids to that effect, Conform to the Obligation and Condition of Reverſion, ſpecified in the Contract of Wodſet after-mentioned; and in like manner, for not payment making to the ſaid Complainer, of the Sum of —— money above-written, of Penalty therein contained, Incurred by the ſaid *C.* D. through not Overgiving, Diſcharging and Renouncing the ſaid Reverſion, and all power of Redemption as ſaid is, in manner above rehearſed; and that Conform to the Contract of Wodſet, paſt betwixt the ſaid *C.* D. and the ſaid Complainer on the one and other parts, of the date the —— day of ——, years, Regiſtrat in the Books of Council and Seſſion the — day of —— laſt by paſt, (6) as the ſaids Letters of Horning with the Executions thereof, duely Regiſtrat, conform to the Act of Parliament ſhown to our Lords of Council and Seſſion has teſtified. Under the Proceſs of the whilk Horn, the ſaid *C.* D. Rebel foreſaid, has continually layen and abidden ſenſyne; and yet dayly Haunts, frequents, reſorts, and openly repairs to Kirks, Mercats: *After this follow forth the Stile of a Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *if Inſtruments were taken, inſert the ſame Curtly at the Figure of (6) thus*, and Inſtruments taken upon the ſaid not Redemption in the hands of —— Nottar Publick, the — day of — laſt.

SUSPENSION of the ſaid Charge containing Relaxation.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to Us by *C.* D. of ——; That where M. *J. B.* of ——, has upon his pretended manner Raiſed other Letters, and therewith cauſed Charge the ſaid Complainer, to Overgive, Diſcharge and Renounce in favours of the ſaid M. *J. B.* his Heirs and Aſſigneys, the Reverſion of the Lands of ——, (*here Inſert the Lands as in the Narrative of the Horning, and then ſay*) lyand within the Parochin of ---, and Sheriffdom of ---, with the Parſonage-teinds thereof, Wodſet Diſponed and Aſſigned by the ſaid Complainer to them, for the Sum of --- *ſcots* money, by vertue of the Contract after-ſpecified; and all power of Redemption competent to him, his Heirs and Aſſigneys by vertue thereof, to the effect the ſame may continue, remain and abide with the ſaid Charger and his foreſaids, as their own proper Lands, Heretage and Teinds, heretably and irredeemably in all time coming, but any manner of Reverſion, Redemption, Regreſs, Bond, Promiſe or Condition of Reverſion whatſomever; and as if there had been no Reverſion provided by the ſaid Contract, but that the ſaids Lands, Teinds and others foreſaids, had *ab initio*, been irredeemably Diſponed by the ſaid Complainer to the ſaid Charger and his foreſaids; and that in reſpect the ſaid Complainer, did not lawfully Redeem, Looſe and Outquite the ſame, from the ſaid Charger and his above-written, at the Term

of — Iven laſt by paſt, by payment of the ſaid Sum of —— money foreſaid, for which the ſaids Lands and Tithes were Wodſet, and that Terms Annualrent to which Premonition ſhould have been uſed, upon lawful Premonition of fourty days of before, to have been made by the ſaid Complainer to the ſaid Charger and his foreſaids for that effect, conform to the Obligation and Condition of Reverſion ſpecified in the Contract of Wodſet after-mentioned: And in like manner, to make payment to the ſaid Charger of the Sum of —— money above-written of Penalty therein contained, alledged, Incurred by the ſaid Complainer through not Overgiving, Diſcharging and Renouncing the ſaid Reverſion, and all power of Redemption as ſaid is in manner above rehearſed; and that conform to the Contract of Wodſet, paſt betwixt the ſaid Complainer and the ſaid Charger on the one and other parts, of the date the —— day of——, —— years, Regiſtrat in the Books of Council and Seſſion the —— day of —— laſt by paſt, within a certain ſhort ſpace next after the Charge, under the pain of Rebellion, and putting of the ſaid Complainer to the Horn; And for alledged Diſobedience, has Denounced him thereto moſt wrongouſly and unjuſtly. *Conſidering it is of verity*, That albeit the Complainer (in his great neceſſity) was obliged and forced to grant the ſaid Wodſet in the Terms above-ſpecified; yet the ſame was a moſt uſurious Paction, and contrare to all Law, which allow only of Pactions that are rational and adequat. But ſua it is, That the ſaid Sum of —— (*for which the ſaid Wodſet was granted, and the ſaids Lands and Teinds were Impignorat and Hypothecat*) was far within the Intrinſick value thereof: it being notourly known, that the ſame 'twixt man and man being --- Victual of Wheat, Bear and Oat-meal, attour Cuſtoms Ariages and Carriages, is worth in true eſtimation, (*and as the like Rent uſually ſells in that Countrey*) the Sum of —, attour the houſe, Yards, Planting and other Accommodations, to the value of —— money foreſaid; and ſo in both, exceeds the ſaid Sum due upon the Wodſet, in the Sum of --, & nothing of the ſame to be deduced but — of Feu-duty payable to the Superior, and--- payable to the Miniſter of the Paroch yearly, which the benefit of the Woods will more as pay yearly: yea were the Woods inſtantly ſold, the value thereof would (at leaſt) amount to the Sum of ---: ſo that it were hard upon ſuch an irritant Clauſe, to which he was obliged in his great neceſſity in manner foreſaid, to take away and cut off ſo much of the Complainers Fortune and Eſtate for ſo little money; and all ſuch Irritancies always admit of Declarators, before our Lords of Council and Seſſion, wherein Heretors being called, they are not only heard againſt the ſame upon the former and like Grounds, and upon the Means and Methods taken for attaining ſuch uſurious and unjuſtifiable Wodſets, attended with ſuch great Diſadvantages; but even the ſaids Lords *ex jure & ex nobili officio*, Repone perſons (ſo Injured and Impoſed upon) againſt the ſame, upon payment or Conſignation at the Bar, of the Sum for which ſuch Wodſets were granted, and any neceſſary Expenſes the Wodſetter might have been at; and which is pure and material Juſtice, wherein the Wodſetter has no loſe. And the truth is, albeit the Complainer could not afford the money the very preciſe Terms Iven, (ſo as to anſwer payment or Conſignation to the Charger) yet he provided the money within --- days thereafter, and offered the ſame to the Charger *cum intereſſe de die in diem*, but was refuſed; ſo inexorable and implacable was the Charger, and upon no other Ground, but the great Advantages he propoſed to himſelf, in retaining the Land upon ſo eaſie Terms; nor would he pay to the Complainer, the Intrinſick value thereof aforeſaid, with deduction of his own money. And as for the ſaid Penalty, the Clauſe and Obligement to which adjected, being illegal and uſurious, the ſame muſt fall in Conſequence; and all upon the Matter, falls under the ſaids Lords their Conſideration, either *de jure*, or *ex nobili officio*. And the Complainer

is yet content to pay and perform at the ſaids Lords their ſight, and which is all that in Juſtice can be expected; ſpecially ſeing the Complainer as Heretor, payed all publick Burdens ever ſince the Wodſet: and if the Charger had his Intereſt free, and a third or fourth part more, where lies his Damnage? And albeit it is acknowledged, the Charger might have cut as much of the Woods growing upon the wodſet Lands, as conveniently might have kept the houſes and Buildings thereon Habitable, and in good Condition. *Quo Jure* did he Cut, ſell and diſpoſe upon a great part of the Wood during the years of the Redemption; and in effect (as it was an Act illegal and unwarrantable, ſo) the Effects of all Cut and vended, muſt and ſhould in Law, be deducted and allowed in the very Sums due upon the ſaid Wodſet; and ſua our ſaids Lords of Council and Seſſion, may evidently perceive, how wrongouſly and unjuſtly the ſaid Complainer is charged, in manner, and to the Effect foreſaid, by all Law, Equity and Reaſon. Nevertheleſs for Obedience, the ſaid Complainer has found Caution, acted in our Books of Council and Seſſion, for giving obedience to the ſaid Charge, in caſe it be found by our ſaids Lords of Council and Seſſion, after the Diſcuſſing hereof, that he ought to do the ſamine. And als for payment to the Lords of our Theſaury, of the Sum of twenty Merks money foreſaid, for his Eſcheat Goods, in caſe it be found by the ſaids Lords that he is orderly denounced Rebel, and put to the Horn for the Cauſe foreſaid: and therefore the foreſaids Letters and Charge, haill Effect and Execution thereof, and Proceſs of Horning, Poynding, Caption, and others therein contained, ought and ſhould be *ſimpliciter* Suſpended upon the ſaid Complainer in time coming, for the Reaſons and Cauſes foreſaids, and others, *&c.* as is alledged. *Our Will is herefore*, and we Charge you, That ye lawfully Summond, Warn and Charge the ſaid *M. J. B.* Charger, perſonally, or at his dwelling-place, to compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— (which is to be determined by the day of Compeirance on the back of the Bill, *and then ſay*) in the hour of Cauſe, with continuation of days, bringing with him the foreſaid regiſtrat Contract of Wadſet, Letters of Horning, Caption, and others raiſed thereupon, with the Executions thereof, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame, and proceſs of Horning, and others therein contained ſimpliciter ſuſpended upon the ſaid Complainer in time coming, for the Reaſons and Cauſes foreſaids, and others, *&c.* attour, We and our ſaids Lords of Council and Seſſion, in our Name, hereby ſuſpend the foreſaids Letters and Charge, hail Effect and Execution thereof, and Proceſs of Horning, Caption, and others therein-contained upon the ſaid Complainer; *Diſcharging* hereby all Officers and Meſſengers at Arms, of all putting of the ſame to furder Execution againſt him in time-coming, and of their Offices in that part in the mean time, till the —— day of —— to be ruled by the Bill, that the Verity be known, and if the ſaid Complainer be already denunced Rebel, and put to our Horn for the cauſe foreſaid, that ye Meſſengers at Arms paſs to the Mercat-Croſs of —— and there in our Name and Authority, relax him therefrae, receive him to our Peace again, and deliver to him, or any other in his name, the Wand thereof, and that ye cauſe Regiſtrat the ſaids Suſpenſion and Relaxation within fifteen days next after he beis relaxed, conform to the Act of Parliament, according to Juſtice, becauſe —— is become Caution for the Complainer, to the effect above-ſpecified, and for payment to the Lords of our Theſaury of twenty Merks, for his Eſcheat-Goods, as ye will anſwer to us thereupon, *&c.* *And let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota,

Nota, *Sometimes the Lords paſs upon Caution, and at other times (as they find cauſe) they paſs only upon Conſignation of the Renunciation charged for, and finding Caution for the* Penalty *and Eſcheat-goods, but all in one upon the Event, and in this laſt caſe the Suſpenſion in place of theſe words,* that the Complainer has found Caution for obedience to the Charge, ye muſt ſay, *has conſigned the foreſaid Renunciation in the Clerk of the Bills Lands, to be given up to the Charger, in caſe after diſcuſſing it be found that the ſame ought to be done, and found Caution for payment of the ſaid Penalty, in caſe (as in the Subſumption) and twenty Merks* ut ſupra, *& next in the ſaid laſt caſe, after according to Juſtice, take in the* Becauſe *as upon the back of the Bill*; But *in caſe the Lords ſhould appoint Conſignation of the* Renunciation, *theſe Difficulties occur.* 1. *If not Regiſtrat within* 60 *days, it is to no purpoſe, the Act of Parliament being poſitive as to the Regiſtration of ſuch.* 2. *If regiſtrat, then it may be pretended by the Charger that it is evident, & if in the diſcuſſing the Lords find the Wadſet* uſurious, *and Ordain the Charger to take his Money, or leſs, as they find juſt* in eventu, *what becomes of the Regiſtrat Paper, and how ſhall it be taken away, and no doubt the Lords would rather incline to Caution.*

LETTERS of Lawburrows.

CHARLES, &c. To, *&c.* Meſſengers, *&c.* meaned and complained to us by *C. D.* of —— upon *M. J. B.* of —— *J. B. C. D. W. B.* and *L. B.* his Sons, and *W. R. W. S. W. C. W. M, &c,* his Tennents, that where the forenamed perſons having conceived a deadly hatred, evil-will and Malice, cauſeleſs againſt the ſaid Complainer (upon what occaſion he knows not) they by themſelves, their Wives, Bairns, Men-tennents, Servants, Cottars and Dependers, and others in their Names, of their Cauſing, Sending, Hunding-out, Command, Reſet, Aſſiſtance and Ratihabition, daily and continually moleſt, Trouble and Oppreſs the ſaid Complainer, his Wife, Bairns, Men-tennents, Servants, Cottars and Dependers in the peaceable poſſeſſion of their Lands, Heretages, Graſs, Paſtourages, Roums, Poſſeſſions, Goods and Gear, by Eating, Tramping-down, and deſtroying of their Corns and Graſs with their Beaſtial and Cattel, Hounding of the Complainers Cattel and Goods from off their own Property and Commonty, making common Roads, Paſſages, and High-ways therethrough where never any were wont to be of before, making and caſting of Stanks within their ſaid Property and Commonty, and incloſing ſome parts and Portions thereof, thinking thereby in Proceſs of time, to appropriat the ſame to themſelves as Property, and to debar and ſeclude the ſaid Complainer and his foreſaids therefrom in all time coming, and not ſatisfied therewith, , they by themſelves and their foreſaids, of their cauſing and Command as ſaid is, Threaten and Minace the ſaid Complainer and his foreſaids for their Bodily Harm and Slaughter, to bereave them of their Lives, and ly in wait for that effect, and otherways moleſt, Trouble and Oppreſs the ſaid Complainer and his foreſaids, by all order of Law and Juſtice, committing thereby manifeſt and open Bangaſtrie and Oppreſſion, in high contempt of us, our Authority and Laws, and in evil Example of others to commit the like in time coming, without Remeid be provided thereto, as is alledged. *Our Will is herefore,* and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, take the ſaid Complainer his Oath, that he dreads Bodily-harm, Injury or Oppreſſion, of the

forenamed perſons above-complained upon, and his Oath being ſo taken, that ye in our Name and Authority aforeſaid Command and Charge the forenamed perſons above-complained upon, perſonally, if they can be apprehended, and failzeing thereof, at their dwelling-places, and by open Proclamation at the Mercat-Croſs of the Shire, Regality, or other Juriſdiction within the which they reſide, to come and find ſufficient Caution, Soverty, and Lawburrows acted in our Books of Council and Seſſion, that the ſaid Complainer his, Wife, Bairns, Men-Tennents, Servants, Cotters and Dependers, ſhall be harmleſs and Skaithleſs (6) in their Bodies, Lands, Heretages, Roums, Poſſeſſions, Goods and Geir, , and that they ſhall on no ways be troubled or moleſted therein by the forenamed perſons above-complained upon, their Wives, Bairns, Men-Tennents, Servants, Cotters and Dependers, or others in their Names, of their cauſing, ſending, Hunding-out, Command, Reſet, Aſſiſtance or Ratihabition, or others whom they may ſtop or let, directly or indirectly, in any ſort, from the day and date of the Charge, to be given to them for that effect, or in time-coming, otherways than by Order of Law and Juſtice, ilk Landed perſon above-complained upon, under the pain of one Thouſand Merks, and each unlanded perſon under the pain of four hundred Merks *ſcots* Money (7) and that they find Caution, acted in manner foreſaid, within ſix days next after they be charged by you thereto, under the pain of Rebellion (*here follow furth the Stile of an ordinary Horning (without Poynding) and then ſay*, According to Juſtice, conform to the Act of Parliament, as ye will anſwer to us thereupon, *&c. and let the date of the Bill be the date of the* Letters, *and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *Lawburrows ſhould be on no fewer days than* 15, *againſt all be*north Tay, *and on* (6) *beſouth the ſame; And albeit in the Narrative there may be a ſpeciallity, yet the Concluſion* ut ſupra *by Act of Parliament.*

CAPTION on the ſaid Lawburrows.

CHARLES, *&c.* To —— Meſſengers, *&c.* meaned and ſhown to us by *C. D.* of ——; That where upon the —— day of —— *M. J. B.* of —— *J. B. C. D. W. B.* and *L. B.* his Sons, *W. R. W. S. W. C. W. M. &c.* his Tennents, were orderly denunced Rebels, and put to the Horn, by vertue of Letters of Horning and Lawburrows, Raiſed, Uſed and Execute againſt them, at the Inſtance of the ſaid Complainer, for not coming & finding ſufficient Caution, Soverty & Lawburrows, acted in our Books of Council and Seſſion, that the ſaid Complainer, his Wife, Bairns, Men-Tennents, Servants, Cotters and Dependers, ſhall be harmleſs and Skaithleſs in their Bodies, Lands, Heretages, Roums, Poſſeſſions, Goods and Geir, and that they ſhall no ways be troubled or moleſted therein by the forenamed perſons, their Wives, Bairns, Men-Tennents, Servants, Cotters and Dependers, or others in their Names, of their Cauſing, Sending, Hounding-out, Command, Reſet, Aſſiſtance or Ratihabition, or others whom they may ſtop or let, directly or indirectly, in any ſort, from the day and date of the Charge given to them for that effect, being the — day of —— (*fill up this date with the date of the Lawburrows*) nor thereafter in time coming, otherways nor by the Order of Law and Juſtice, ilk Landed perſon above-ſpecified, under the pain of one Thouſand Merks, and each unlanded perſon, under the pain of four Hundred Merks, conform to the

Letters

Letters of Lawburrows, raiſed at the Inſtance of the ſaid Complainer againſt them thereanent, dated the —— day of ——, as the ſame with the Executions thereof duely regiſtrat, conform to the Act of Parliament, ſhown to our Lords of Council and Seſſion have teſtified; Under the Proceſs of the whilk Horn, the forenamed perſons Rebels foreſaids, have continually lyen and abidden ſenſyne, and yet daily haunt, frequent, reſort, and openly repair to Kirks, Mercats, *&c.* (*After this follow furth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*, And conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *When perſons are charged to find Caution in Lawburrows, ſome give in a Bond of Cautionry to the Bill Chamber, within the days of the Charge, and do not ſuſpend, but ſummarly take out an Act of Caution under the Clerk of the Bills hands, the Import whereof is*, That ſuch perſons ſuch a day, have found Caution conform to the Charge of Lawburrows given them, to the effect, and under the pains therein-ſpecified: *But in this Act, the Clerk neither can, nor will allow of any Proteſtation for Mitigation of the pains, conform to the Act of Parliament, in caſe of Contravention, but gives out the Act in the preciſe Terms of the Charge, and according to the Bond, which muſt be* in terminis *with that of the Charge; And others again finding the Pains great (and beyond thoſe appointed by Law) they will not take out an Act of Caution ſummarly, but they ſuſpend, and therein find Caution under the Penalties contained in the Charge, in obedience, and yet proteſt for Mitigation, according to the Acts of Parliament in caſe of Contravention: The Stile of which Suſpenſion follows.*

SUSPENSION of Lawburrows, containing Relaxation, which may be inſert or omitted as ye find cauſe.

CHARLES, *&c.* To —— Meſſengers, *&c.* meaned and ſhown to us by *M. J. B.* of —— *J. B. C. D. W. B.* and *L. B.* his Sons, and *W. R. W. S. W. C. W. M. &c.* his Tennents; That where *C. D.* of—— has upon his pretended manner, raiſed Letters of Lawburrows, and therewith cauſed charge the ſaids Complainers to come and find ſufficient Caution, Soverty and Lawburrows, acted in our Books of Council and Seſſion, that the ſaid Complainer, his Wife, Bairns, Men-Tennents, Servants, Cotters and Dependers, ſhall be harmleſs and Skeithleſs (*here take in from the 6 Figure to the 7 in the Will of the Lawburrows, and then ſay*) within a certain ſhort ſpace next after the Charge, under the pain of Rebellion, and putting of the ſaids Complainers to our Horn, and for alledged Diſobedience has denunced, at leaſt intends to cauſe denunce them Rebels, and put them to the Horn moſt wrongouſly and unjuſtly: Conſidering it is of Verity, that the ſaids Complainers were never troubleſome or offenſive to the Charger or his foreſaids in the leaſt, nor never gave them any juſt cauſe to raiſe, or execute any ſuch Letters, having always lived in good friendſhip and Nighbourhood with them, but on the contrary, the ſaid Charger by himſelf, his Wife, Children, Men-Tennents and Servants, have given many grounds of Complaint to the Complainers and their foreſaids. *Secondly*, Even by the very Letters themſelves, the Meſſenger is Commanded and Ordained by us *primo loco*, to take the Chargers Oath, that he dreads bodily Harm, Injury or Oppreſſion of the Complainers, and that

being taken (and in this next place only) to charge the Complainers to the effect foresaid, and under the pains above-mentioned, and yet notwithstanding, and most unwarrantable, and without taking the Chargers Oath as said is, the Messenger has charged the Complainers to come, and find sufficient Caution, Soverty and Lawburrows, in manner, and to the effect, and under the pains above-expreſt. *Thirdly*, By the hundred sixty six Act of the 13 Parliament of K. J. the sixth (of ever blessed memory, holden at *Edinburgh* the twenty one day of *July* 1593. (Intituled, *Additions to the pains of Lawburrows*) It is Statute and Ordained by his Majesty, and the Three Estates, that thereafter in time coming, the Pains & Unlaws and Lawburrows should be as follows, *For every Earl or Lord* 2000 *pounds*, *for every great Barron* 1000 *pound*, *for every Free-holder* 1000 *Merks*, *for every Fewar* 500 *Merks*, *for every Zeaman* 100 *Merks*, *for every Gentleman unlanded* 200 *Merks*; And true it is, that the said *M. J. B.* is but a Fewar, and so should only have been charged under the pain of 500 *Merks*, and his said Sons being but Gentlemen unlanded 200 Merks, and each of his saids Tennents being but Zeamen 100 Merks, and yet notwithstanding all of them charged under far greater Pains, contrair to the said Act of Parliament, and so ought to be mitigate and restricted, to, and in the Terms of the said Act, and so our Lords of Council and Session may evidently perceive how wrongously and injustly the saids Complainers are charged, in manner, to the Effect, and under the Pains aforesaid, by all Law, Equity and Reason; Nevertheless for obedience, the saids Complainers have instantly found sufficient Caution, Soverty and Lawburrows, acted in our Books of Council and Session, to the effect above-specified, and under the pains above-mentioned, contained in the said Charge, but prejudice always to them of the Mitigation thereof, conform to the said Act of Parliament in case of Contravention, and als have found Caution, acted in manner foresaid for payment to the Lords of our Thesaury of twenty Merks, for each of their Escheat Goods, in case it be found by the saids Lords that they are orderly denunced Rebels, and put to the Horn, for the cause foresaid; And therefore the foresaids Letters of Lawburrows, haill Effect and Execution thereof, and Process of Horning, and others therein-contained, ought and should be simpliciter suspended upon the saids Complainers, and they relaxed from the Horn for the Reasons and Causes foresaids, and others as is alledged: *Our will is herefore*, and we charge you, that ye lawfully Summond, Warn and Charge the said *C. D.* Charger. personally, or at his dwelling-place, to compeir before our saids Lords at *Edinburgh*, or where it shall happen them to be for the time, the —— day of —— (*to be filled up according to the Deliverance of the Bill, and then say*) if it be lawful, and failzeing thereof, the next lawful day thereafter following, in the hour of Cause, with continuation of days, bringing with them the foresaids Letters of Lawburrows, with the Executions thereof, and Caption raised thereupon, to be seen and considered by the saids Lords (*After this follow furth the Stile of an ordinary Suspension, containing Relaxation, past upon Caution* usque ad finem, *and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *Albeitge take in the words of the Charge in the Suspension, according to the reference from the* (6) *to the* (7) *Figure, yet in the Suspension in place of the date of the Charge to be given there, say heir given*

Nota, *This Suspension is never discust* (via Suspensionis) *as other Suspensions are, but in case of Contravention, it is pursued by way of Action, and which ye will find amongst the Summonds*, (*being the Third*

Part

Part of the Work, called Summonds of Contravention) *wherein not only the Party grieved is Purſuer, but alſo the King's Advocat for his Majeſties Intereſt, becauſe the Pains or Penalties goes by halfs, whereof the one to the King and the other to the Party, beſides the twenty Merks for Eſcheat Goods, to which the King has only Right.*

LETTERS of Arreſtment upon a depending Action.

CHARLES, *&c.* To —— Meſſengers, *&c* meaned and ſhown to us by *A.* B. of —— That where the ſaid Complainer has raiſed Summonds and intented Action at his Inſtance, before our Lords of Council and Seſſion, againſt *C. D.* of —— touching the decerning of him by the ſaids Lords their Decreet, to make payment to the ſaid Complainer, of the Sums of Money, and others after-ſpecified, addebted by him to the ſaid Complainer, for the Cauſes after-mentioned, or of the Avails, Eſtimations and Prices under-written, *viz.* (*here inſert all the Sums & Goods as they are lybelled, and if any of them bear Annualrent by Bond, Ticket, or Regiſtrat Horning, which by Act of Parliament is equivalent, inſert the ſame alſo and then ſay*) as the ſaids Summonds duely execute, ſhown to our ſaids Lords of Council and Seſſion have teſtified, and the ſaid *C. D.* knowing perfectly, that he will ſuccumb in the ſaid Action, and that the ſaid Complainer will prevail, and obtain Decreet Condemnator againſt him therein, (he in manifeſt Defraud, Hurt and Prejudice of the ſaid Complainer thereanent) intends (as the ſaid Complainer is informed) to Sell, Diſpone, Aſſign, Intromet-with, Uplift, Dilapidat, put away and Diſcharge, all and ſundry Goods, Geir, Corns, Cattel, Horſe, Nolt, Sheep, Debts, Sums of Money, Inſight, Pleniſhing, Mails, Farms, Profits and Duties of Lands, and all other moveable Goods and Gear whatſomever, pertaining and belonging to him, without Remeid be provided thereto, as is alledged. *Our Will is herefore,* and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Fence and Arreſt, all and ſundry Goods, Gear, Corns, Cattel, Horſe, Nolt, Sheep, Debts, Sums of Money, Inſight, Pleniſhing, Mails, Farms, Profits and Duties of Lands, & all other Moveable Goods and Gear whatſoever, pertaining and belonging to the ſaid *C. D.* wherever, or in whoſe hands the ſame may or can be apprehended, to remain in their Hands, under ſure Fence and Arreſtment, ay and while ſufficient Caution and Soverty be found, acted in our Books of Council and Seſſion, that the ſame ſhall be made furth-coming to the ſaid Complainer, as accords of the Law, according to Juſtice, becauſe the Lords have ſeen the Dependance above-written, as ye will anſwer to us thereupon, *and let the date of the Bill be the date of the Letters,* and conclude with.

Ex Deliberatione Dominorum Concilii.

Nota, *When the Sums or Intereſt Purſued for, is conſiderable, the Purſuer Raiſes Inhibition upon the Dependance, and concludes with an Arreſtment, ay and while Caution be found* ut ſupra, *in the End thereof.*

LETTERS of Cognition of Merches *founded upon the Act of Parliament, and Directed to Charge the Sheriff of the Shire & his Deputs to take the ſaid Cognition.*

CHARLES, *&c.* To —— Meſſengers, *&c.* meant and ſhown to us, by *A.B.* of —— That where the ſaid Complainer ſtands heretably Infeft and Seaſed in all and haill the Lands (*as they are in the Seaſin, and then ſay*) with Houſes, Biggings, Yards, Orchards, Moſſes, Muirs, Maraſſes, Meadows, Graſs and Paſturages, Outſets, Inſets, Annexes, Connexes, Dependences, Parts Pendicles, and univerſal Pertinents thereof, lyand within the Parochin of —— and Sheriffdom of —— as the Inſtrument of Seaſing granted

to him thereupon, duely Regiſtrat conform to the Act of Parliament ſhown to our Lords of Counciland Seſſion has teſtified by vertue whereof, and his Predeceſſors and Authors, by vertue of their Rights and Infeftments, and their Tennents have been in the actual, real and peaceable Poſſeſſion thereof, by dwelling thereupon, Occupying, Labouring and Manuring of the arrable Lands thereof, and doing all other Acts and Deeds of Property within the haill Bounds, Meithes and Marches of the ſame after-ſpecified, *viz.* (*here inſert the particular Bounds of the Property*) and by debarring all other perſons from incroaching thereupon, or doing any Act of Property or Commonty within the ſamen; And in like manner have been in the actual, real and peaceable Poſſeſſion of the haill Bounds after mentioned, *viz.*, (*here inſert the Bounds of the Commonty, and then ſay*) and that by Paſtouring and Hearding of their Cattel, Beaſtial, and Goods thereupon, Caſting, Winning, Leading, and away-taking, Fewel, Foggage, Earth, Stone and Divot, Hedder and Broom furth thereof, and by doing all other Deeds of Commonty of the Law requiſit within the ſaids Bounds, and all (alswell as to the ſaid Property as to the ſaid Commonty) paſt all memory of Man, but any Stop, Trouble or Impediment in the contrary, till in the Month of —— laſt bypaſt, and one or other of the days thereof, *C. D.* of —— accompanied with —— (*here fill up the perſons, and then ſay*) by themſelves, their Servants, Complices, and others in their Names, of their cauſing and command, came within the Bounds of the ſaid Complainer his Property aforeſaid, and there moſt Maſterfully incloſed ſevetal Parts, and ditched other Parts thereof, and did caſt Fewel, Foggage, Faill and Divot, and win Lime-ſtones in other parts of the ſame, and paſtoured and hearded their Horſe, Beaſtial and Goods upon ſome other Parts and Portions thereof, and likeways incloſed ſeveral Parts and Portions of the ſaid Commonty, and have brought the ſame to the perfection of arrable Land, and built ſome Houſes and Sheelings upon other parts thereof, and hindred and impeded the ſaid Complainer and his Tennents, from caſting, winning, leading, and away-taking Fewel, Foggage, Stone and Divot furth of the ſaid Commonty, and from Paſtouring and Hearding their Goods within ſeveral parts and portions thereof, and by Ditching, Stanking, and doing ſeveral other Acts of Moleſtation againſt the ſaid Complainer, and his ſaids Tennents, thinking thereby (as would appear, and in proceſs of time) not only to inhance the whole Commonty, or moſt part thereof to himſelf, his Heirs and Succeſſors in Property, but alſo (even) to inhance and put himſelf in poſſeſſion of the ſaid Complainer his indoubted and incontraverted Property aforeſaid, whereof he and his ſaids Predeceſſors and Authors, and their Tennents, have been in immemorial Poſſeſſion, in manner, and by doing the ſeveral Deeds of Property and Commonty reſpective as above-expreſt; Likeas, by the fourty two Act of the eleventh Parliament of our Royal Grand-father *K. J.* the ſixth (of ever bleſſed Memory) holden at *Edinburgh* the twenty nineth day of *July* 1587 years (Entituled, *Actions of Moleſtations, and others Poſſeſſors, ſhould be decided before the Inferior Judges*) His Majeſty, and the Three Eſtates conveened in the ſaid Parliament, Ratified, Approved, and for his Highneſs, and his Suceſſors perpetually confirmed the Act of the Lords of Council and Seſſion, *made anent proceeding in Cauſes of Moleſtation*, and Ordained the ſame to take full effect, and Execution thereafter in time-coming, as a moſt neceſſar and profitable Law to all his Highneſs Subjects, and the ſaid haill Act to be inſert in the Books of Parliament: Of the which Act the Tenor follows. *At* Edinburgh *the —— day of ——— the year of God* 1580 *years, Forſameikle as, the multiplicity of Actions before the Lords of Seſſion, impeſhis greatly the ordinar courſe of Juſtice, in weighty Cauſes of Heretage, and other matters of great Importance, whilks are maiſt proper to be decided by the ſaids Lords of Seſſion* (*here take in the*

Nar

Narrative of the Act, till ye come to theſe Words) for the whilks cauſes, *and then ſay*, For the whilks Cauſes, the ſaids Lords of Seſſion has thought it eit and expedient, Statutes and Ordains, That all matters of Moleſtation and Troublance in Properties and Commonties (conſiſting in the Poſſeſſor, to be intented hereafter, or already intented, wherein no *Litis-conteſtation* is made) ſhall be remitted to the Sheriff of the Shire, Baillies of Regalities, and others inferior ordinar Judges where the Lands (*upon the whilks Queſtion ſhall be moved*) lyes; and to that effect, whenſoever the ſaids Parties ſhall mean them to the ſaids Lords, upon Troublance or Moleſtation, committed upon Properties and Commonty: The Lords by their Deliverance ſhall direct Letters, ordaining the ſaids inferior Judges ordinar, to take Cognition therein upon Summonds or Precepts, to be direct upon fifteen days warning, and the Courts following to be continued frae eight days to eight days at the longeſt or ſhorter, as the Cauſe ſhall require (*at the diſcretion of the Judge*; Whilk Cognition ſhall be taken by this order. *Firſt*, That the Parties defences ſhall be lawfully diſcuſſed in the place where the ſaids inferiour Judges ordinary uſe to ſit, or that ſhall be appointed unto them by the ſaids Lords of Council, and if the Defences be all repelled, that the ſaids Judges (after the production of the Parties Rights, conſiſting in write (ſhall put the haill other points of the Summonds or Exception, whilk ſhall be admitted (ſuameikle thereof as by the Order obſerved before, might or ſhould have been proven by Witneſſes) to the Knowledge of a condigne Inqueſt, to be Elected and choſen of perſons leaſt ſuſpect, and that beſt knows the Verity, to a ſufficient Number, the moſt part whereof ſhall be Landed-men, having at the leaſt four Pleughs of Land, or three hundred merks of yearly Rent unredeemable, and others Subſtantious and famous honeſt Zeomen; Whilks perſons ſhall be taken and choſen in the Parochin where the ſaids Lands debateable lyes, gif a ſufficient Number may be found there, and failzeing thereof, that the neareſt Parochiners next adjacent (admitt and always all Objections competent againſt their perſons, as accords of the Law) whilks perſons of Inqueſt, after they be lawfully ſwern and admitted, ſhall have power to viſit the Ground (gif they think it expedient) and take all other Trial, as they ſhall think good, upon their Oath and Conſcience, and ſhall return their Anſwer to the Judge, upon the Truth and Verity of the Claim or Exception admitted, and that in face of Judgement: That the ſaid Judge Ordinar may thereafter give his Sentence *definitive* upon the ſaids Debates, and gif the ſaids Perſons of Inqueſt commit Error in their ſaids Determination, they ſhall be called, accuſed, and puniſhed therefore, *Pœna temere Jurantium ſuper Aſſisa*, in their Perſons and Goods, according to the ancient Laws of this Realm, and Conſuetude obſerved within the ſame, and gif it happens mutual Purſuit, Convention or Re-convention on either ſide, to be intended (both the Parties doing their due Diligence, by intending and purſuing of their Actions *hinc inde*, before *Litis-conteſtation* made by either of them; and all their Reaſons and Allegations in the Law being produced, before the matter be put to the knowledge of an Inqueſt) the Judge ſhall proceed in them both *pari paſſu*; and ſhall remit the Heads and Articles of the Claim, Precepts, Summonds or Exception, (whilk conſiſts *in facto*, and was accuſtomed to be verified by Witneſſes) to the Determination of an Aſſize, whilk ſhall take Cognition in both the Cauſes, where they cannot be denyed, and by the equal half of the ſaid Aſſizes ſhall be taken of the perſons Summoned for either of the ſaids Parties, and gif the Number of the half of the Aſſize may not be had of the Number ſummoned, by either of the Parties, in that caſe the Judge ſhall take ſo many as wants of others ſufficient Aſſizers, albeit there be nought ſummoned by neither of the Parties, the ſame perſons being always Landed-men. or being Subſtantious, Famous, and honeſt Zeamen as ſaid is, and the odd man ſhall be choſen by Cavel, and

where it ſhall happen the Sheriff of the Shire, Baillie of Regality, or other inferiour Judge ordinar, to be ſuſpect and unable to judge the ſaids Cauſes, for deadly Feed, and other Reaſons, whilks may decline the Judge, or the place of Judgement to be incompetent, that therewith the Party cannot have ſure Acceſs for his purſuite and Defence) in that caſe the matter being moved to the ſaids Lords, and found and declared by them (the other Party being lawfully ſummoned) they ſhall appoint unſuſpect Judges, and a Place competent for the ſaids Cognition and Determination, the way and manner, and in the terms mentioned in the ſaid Act (here holden as for expreſt *brevitatis cauſa*) And furder, the ſaids Lords Declared, that this Act and Ordinance on no ways hurt or prejudge the Lords of Seſſion, and Colledge of Juſtice, and their Members, but that they have and ſhall uſe their Priviledge to purſue their Actions before the ſaids Lords, or others ordinary Judges, according to old accuſtomed uſe, uſed and obſerved before the making of this Act, as the ſaid Act of the Lords and Act of Parliament aforeſaid, Ratifying the ſame in themſelves more fully is contained. And albeit it be of verity, That the ſaid Complainer has of late been moleſted, and received great Troublance; not only in the peaceable Poſſeſſion of his ſaid Commonty; but alſo of his ſaid Property, whereof he and his Predeceſſors and Authors, have been in immemorial Poſſeſſion by themſelves and Tennents, as Property and Commonty *reſpective*, by vertue of their ſaids Rights and Infeftments, and within the haill Bounds above expreſt: and that he has oft and diverſe times deſired and required the ſaids *C. D.* and others above-named, his Accomplices in the ſaid Troublance and Moleſtation, to deſiſt and ceaſe from doing the ſame or like Deeds for the future; and to ſuffer and permit him and his Men-tennents and Servants, peaceably to poſſeſs his ſaid Property and Commonty as formerly, and without the leaſt Incroachment, Troublance and Moleſtation in time coming: Nevertheleſs, they not only wrongouſly refuſe, poſtpone and defer to do the ſame; but intend, and openly declare and avow, to continue and perſiſt in doing the like for the future: neither will *D. R.* of ——, Sheriff of the ſaid Sheriffdom of ——, and his Deputs, (within whoſe Juriſdiction the ſaid Complainer his Property and Comonty; and likewiſe the ſaid *C. D.* his next adjacent Heretor and Neighbour, and who gives him the ſaid Trouble and Moleſtation his Lands ly) take Cognition in the ſaid Matter, in obedience to the ſaid Act of the Seſſion, and Act of Parliament aforeſaid Ratifying the ſame, without they be compelled as is alledged. *Our Will is herefore*, and we Charge you ſtraitly and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Command and Charge the ſaid *D. R.* of —— Principal, Sheriff of the ſaid Sheriffdom of —, (within which the ſaids contraverted Lands and Bounds ly) and his Deputs perſonally, or at their dwelling-places, to take Cognition in the ſaid Matter, upon Summonds or Precepts, to be Direct upon fifteen days warning againſt the ſaid *C. D.* next adjacent Heretor, (who (and his Complices) have made the ſaids Novations and Innovations) and thereby given Troublance to, and Moleſts the ſaid Complainer and his ſaids Men-tennents and Servants, in their ſaid Property and Commonty, and peaceable Poſſeſſion thereof aforeſaid) to Compear before the ſaid Sheriff and his Deputs, within their ordinary Court-place upon a certain day; and in the hour of Cauſe, to anſwer at the Inſtance of the ſaid Complainer in the ſaid Matter; *That is to ſay, the ſaid C. D to hear and ſee Juſtice Adminiſtrat to the ſaid Complainer, in the Matter above-written, according to his own and his ſaids Predeceſſors and Authors their Rights and Infeftments, and their own and Tennents and Servants their immemorial Poſſeſſion*, by vertue thereof, and that in the Terms of, and Method and order preſcribed by the ſaid Act of the Lords of Seſſion, and Act of Parliament aforeſaid Ratifying the ſame: and if the ſaid *C. D.* his Defences be all Repelled, (*after*

ter

ter the Production of the Parties Rights conſiſting in Write) to put the haill other Points of the Summonds or Exception, whilks ſhall be admitted (ſua meikle thereof, as by the order obſerved before, might or ſhould have been proven by Witneſſes) to the knowledge of a condign Inqueiſt, and of the Quality above-mentioned, and within the places in the reſpective Caſes above expreſt; and for that Effect, to Summond the ſaid Inqueiſt and Witneſſes, neceſſary to be Adduced in the ſaid Matter debateable and contravertable to paſs thereupon & Depone therein, as the ſaid Judges ſhall find cauſe, & find relevant; (*after the Parties are heard, and Rights produced, and Defences or Exceptions Proponed and Diſcuſt, and the ſaid inqueſt and Witneſſes ſworn conform to Law*) and to allow the ſaid Inqueiſt (*after being admitted and deponing*) to viſite the Ground if they think expedient; and to take all other Tryal as they ſhall think good, upon their Oath and Conſcience; and to return their Anſwers to the ſaid Sheriff and his Deputs, upon the Truth and Verity of the Claim or Exception admitted, and that in face of Judgement; and to continue the Courts from eight days to eight days at the longeſt, or ſhorter as the Cauſe ſhall require, and at the ſaid Judges their Diſcretion; and to obſerve the ſaids Acts in the haill Heads thereof; and Adminiſtrat Juſtice in the ſaid Matter accordingly, notwithſtanding of the Vacance, (if any ſhall be during the dependance of the ſaid Matter.) Whereanent We, and our Lords of Council and Seſſion, Diſpenſe, and Admit, and declare their Procedure and definitive Sentence, to be pronounced by the ſaid Sheriff and his Deputs therein, according to Law, To be als ſufficient as if done in lawful time of Seſſion; and that ye Charge the ſaid Sheriff and his Deputs to the Effect foreſaid, within fifteen days next after they be Charged thereto, under the pain of Rebellion, and putting of them to our Horn: with Certification to them if they Failzie, our other Letters will be Direct Charging them thereto *ſimpliciter*, According to Juſtice, conform to the ſaid Act of the ſaids Lords, and Act of Parliament, and becauſe the Lords have ſeen the Seaſine above-written, as ye will anſwer to us thereupon; *and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *ſeing by the ſaids Acts, their is a Proviſion and* Salvo *for the Defender, to Reclaim and make Application to the Lords in caſe of unjuſtice of the Judge. I think fit as the proper way, to ſet down the Advocation.*

ADVOCATION in the ſaid Matter.

CHARLES, &c. To, *&c.* Meſſengers, *&c.* Meant and ſhowen to Us by *C. D.* of ——, That where *A. B.* of ——, having Meaned himſelf to our Lords of Council and Seſſion, and pretending that he is Meleſted and Troubled, not only in his Comonty, but alſo in his Property of the Lands of ——, and others, by the Complainer and his Accomplices; by the ſeveral Deeds and alledged Incroachments made by them thereupon, and that in the Month of —— laſt by paſt, or an or other of the days thereof, has obtained Letters of Cognition in the Matter, Direct to Meſſengers at Arms, Charging them to paſs, and in our Name and Authority, Command and Charge *D. R.* of ——, Sheriff Principal of the Sheriffdom of ——, (within which the Complainer and the ſaid *A. B.* their Lands and Eſtates (and the controverted Bounds lies) and his Deputs, to take Cognition in the ſaid Matter, the way, manner,

conform to, and in the Terms of the Act made by the Lords of Council and Seſſion anent Moleſtations, in the year 1580; and Ratified by our Grand-father King *James* the *6th* of ever Bleſſed Memory, and three Eſtates of Parliament, by the 42 Act of the eleventh Parliament, holden at *Edinburgh* the 29 day of *July* 1587. And to Diſcuſs Parties Rights, and Summond an Aſſiſe and Witneſſes as to what conſiſts *in facto*. And accordingly the ſaid Sheriff and his Deputs, being charged to proceed in the ſaid Cognition, and to Direct forth Summonds and Precepts for that Effect, and to do every other thing thereuntil, That by the ſaids Acts is preſcribed and appointed, and that within fifteen days next after the Charge, and with Certification ſpecified in the ſaids Letters. The ſaid Sheriff and his Deputs, have cited the Complainer, and intend to proceed in the ſaid Matter, and Pronounce and give forth their final Sentence Condemnator againſt the ſaid Complainer, albeit they be no ways Judges competent to the ſaid Complainer therein, for the Reaſons and Cauſes following. *In the firſt, becauſe by the Laws and Acts of Parliament of this Kingdom (and particularly by the ſaid Act of the Lords of Seſſion) where the Judge is ſuſpect or unable to judge in the ſaids Cauſes for deadly feid and other Reaſons, whilks may decline the Judge, or the place of Judgement incompetent; and that therewith the Party cannot have ſure Acceſs for Purſuite and Defence in that caſe.* The Matter being moved to our Lords of Council and Seſſion, and found and declared by them: the other Party being lawfully Summond, they ſhall appoint unſuſpect Judges, and a place competent for the ſaid Cognition and Determination for the Cauſes foreſaids, by Commiſſion by their Act and Ordinance; or under the Teſtimonial of the Great Seal by their Deliverance, in the Terms ſpecified in the ſaids Acts. But ſua it is, that the ſaid principal Sheriff is moſt ſuſpect, in ſua far as, (*here inſert the Reaſons, whether Conſanguinity, Affinity or Partiality, and Iniquity done in the Proceſs, and a Teſtificat under famous Gentlemens hands would be produced to the Lords, to Veriſie what Aſſerted, and thereby facilitat the paſſing of the Bill, and then ſay*) And as for his Deputs being of his own Creation, and Dependers, there is no queſtion but they will be altogether Ruled by him: and ſhould he himſelf not ſit, but leave the Matter in Controverſie to them, is all one upon the Matter, and nothing but unjuſtice can be expected from them, als well as the principal Sheriff their Conſtituent. *Secondly*, the place where the ſaid Sheriff and his Deputs uſually ſit, is —— Miles diſtant, from the Ground and Bounds contraverted; beſides that, the Aſſiſe or Inqueſt being many in number, will be Expoſed to croſſing of Ferries, and now in the Winter time not without hazard of their Lives; and at no little Expenſe in Attendance, during the Dependance of the ſaid Cognition, and whole Tract of the Proceſs. Whereas were Impartial Judges Nominat by our ſaids Lords, and the Ground contraverted made the place for Meeting and Diſcuſſing thereof; Juſtice will be Adminiſtrat Impartially, and no Ground left for Reduction of the Sentence; and beyond all peradventure, the Expenſe of Attendance far leſs; and is all one to the Inqueſt or Aſſiſers, and moſt convenient for the Witneſſes, who either live upon the Ground, or are adjacent Neighbours. And the ſaids Lords, his Majeſty and Eſtates of Parliament, foreſeeing that the like Inconveniencies might afterwards ariſe, did moſt wiſely leave a Door open for wholeſome and ſuitable Remedies, and the ſaids Acts are opponed; and ſua our ſaids Lords may evidently perceive, how wrongouſly and unjuſtly the ſaid Sheriff and his Deputs intend to proceed in the ſaid Matter, and pronounce Sentence therein in manner foreſaid, by all Law Equity and Reaſon: and therefore the foreſaid Cognition, and haill Procedure therein, ought and ſhould be Advocat from the ſaid Sheriff and his Deputs to our ſaids Lords, (at leaſt Impartial and unſuſpect Judges Nominat by them) and the ordinar place altered to the Ground of the Lands contraverted, or ſuch other place as the ſaids Lords ſhall think expedient in manner underwritten,

written, for the Reaſons and Cauſes foreſaids, and others as is alledged. *Our Will is herefore*, and we charge you, That ye lawfully Summond Warn and Charge the ſaid D. R. of —, Sheriff principal of the ſaid Shire, and his Deputs before whom the ſaid Cognition is purſued, and their Clerk of Court; and the ſaid *A. B.* at whoſe Inſtance the ſaid Cognition is purſued in manner foreſaid, for his Intereſt perſonally, or at their dwelling-places, to Compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of ——, (*to be ruled by the deliverance on the back of the Bill*) in the hour of Cauſe, with continuation of days, bringing with them the foreſaid Letters of Cognition, Ground whereupon the ſame proceeds, Charge given by vertue thereof, and Precept Raiſed and Execute conform thereto, with all Acts, Warrands, and Minuts of Proceſs if any be made therein, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſamine Advocat from the ſaid Sheriff and his Deputs, to the ſaids Lords themſelves in time coming; or Impartial and unſuſpect Judges appointed by them in the ſaid Matter, and the place altered, for the Reaſons and Cauſes foreſaids, and others. *Attour* We, and the ſaids Lords in our Name, have advocated; and by thir Preſents Advocat the foreſaid Action and Cauſe from the ſaid Sheriff and Deputs, to the ſaids Lords themſelves, either to be Decided and Determined by them, or Remitted to Impartial and unſuſpect Judges, and the place altered as they ſhall think expedient; Diſcharging hereby the ſaid Sheriff and his Deputs, from all further Proceeding, Cognoſcing or Decerning thereintill, and of their Offices in that part in time coming in the mean time, while the —— day of —, (*to be ruled by the Deliverance of the Bill*) that the Verity be known, According to Juſtice as ye will anſwer, *&c. And let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *of this Advocation, there muſt be a juſt Double delivered by a Meſſenger ſubſcribed with his hand, to the Sheriff and his Deputs in Court; and another to the Purſuer of the Cognition, and againſt whom the Letters are raiſed.*

LETTERS of Arreſtment upon a Gift of Eſcheat.

CHARIES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to Us by *A. B.* of —, Donator after-ſpecified; That where the ſaid Complainer obtained by Gift under our Privy-Seal, dated the -- day of -- laſt bypaſt, Diſponed to him his Heirs and Aſſigneys an or moe, the Eſcheat of all Goods, Gear, (*here Inſert the words of the Gift, till ye come to at, the Inſtance of W. M. Merchant Burgeſs of* —, *and then ſay*) in manner at the time, and for the Cauſes ſpecified in the ſaid Gift, as the ſame of the date foreſaid, ſhowen to our Lords has teſtified: and whereupon the ſaid Complainer with concourſe of our Advocat, raiſed Summonds, and intented Action of general Declarator at their Inſtance, of the foreſaid Eſcheat and Gift thereof, againſt the ſaid *C. D.* the Rebel, before our ſaids Lords of Council and Seſſion, as the ſame duely Execute and Indorſed, alſo ſhowen to our ſaids Lords of Council and Seſſion have teſtified: And the ſaid *C. D.* the Rebel, knowing perfectly that the ſaid Complainer will prevail in the ſaid Declarator, and obtain Decreet thereintil, and thereafter purſue a ſpecial Declarator on the ſaid Decreet, both againſt himſelf, and all his Debitors and Intromitters with his Goods and Gear;

He (in manifeſt Defraud, hurt and prejudice of the ſaid Complainer thereinent) intends (as he is Informed) to Intromet with, uplift, Diſcharge, Aſſign, Sell, uſe and diſpone upon the whole Debts, Sums of money, Corns, Cattel, Horſe, Nolt, Sheep, inſight Plenishing, and all other Goods and Gear whatſomever pertaining to him, and falling within the Verge and Compaſs of the ſaid Eſcheat and Gift thereof above-ſpecified, without Remeid be provided thereto as is alledged. *Our Will is herefore*, and we Charge you ſtraitly and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Fence and Arreſt all and ſundry Goods, Gear, Debts, Sums of money, Corns, Cattel, Horſe, Nolt, Sheep, inſight Plenishing, and all other Goods and Gear whatſomever, pertaining and belonging to the ſaid *C. D.* the Rebel, wherever, or in whoſe hands the ſame may, or can be apprehended to remain under ſure Fence and Arreſtment, at the Inſtance of the ſaid Complainer, ay and while ſufficient Caution and Soverty be found, Acted in our Books of Council and Seſſion, that the ſame ſhall be made forthcoming to him as Accords of the Law, According to Juſtice; Becauſe (*take in the becauſe on the back of the Bill, and then ſay*) as ye will anſwer, *&c. And let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

OBSERVATIONS The like Letters may be raiſed at the Inſtance of the King's Donator, to the Eſcheat and Liferent, Gift of Nonentrie, Gift of Ward, Relief, Nonentry and Marriage, Gift of Baſtardy, whether of the real or perſonal Eſtate, or both, Gift of Ultimus Hæres, *Recognition and the like.*

Letters of Special Charge, at the Inſtance of an Appryſer againſt the Superior of the Lands appryſed (being a Subject) to enter Heir to his Father in the Superiority, that he may be in Capacity to Inveſt the Appryſer.

CHARLES, *&c.* To Meſſengers, *&c.* meant and ſhown to us by *A. B.* of —— That where by Decreet and Proceſs of Appryſing, led and deduced within the New Seſſion-houſe of ~~*Edinburgh*~~ (*here take in the Narative of the Summonds of Declarator raiſed in the ſame caſe, from the Figure 6 till ye come to the Figure 8, only call the ward Purſuer Complainer always, and then ſay*) And albeit it be of Verity, that the ſaid Complainer has not only charged the ſaid Superior with Horning to receive him Vaſſal in the Lands and others above-appriſed, holden of him as ſaid is, but likeways made real Offer to him of an years Rent therefore, and which is all he was bound to give in Law: Yet nevertheleſs he not only refuſed to do the ſamen, but likeways willfully lyes furth, and will not obtain himſelf duely and lawfully Served, Retoured, Entered and Inveſt in the Superiority of the ſaid Lands and others, appryſed as Heir to the deceaſt of ~~his~~ his Father, who died laſt veſt, and Seaſed therein, to the Effect he may be in Capacity to enter and receive the Complainer in Vaſſal to him in the ſamen; wherethrough the Complainer notwithſtanding of any Diligence uſed, cannot have his Right made compleat, and ſhould the ſaid deceaſt un-entred, the Complainer will be highly prejudged, the Debt for which his Appryſing is led, being near to the value of the Intereſt Appryſed; wherefore neceſſar it is for the ſaid Complainer, to have thir our Letters of Special Charge to Enter Heir, Direct at his Inſtance againſt him, in manner and to the Effect after-ſpecified, as is alledged. —— *Our Will is Herefore*, and We Charge you ſtraitly

ſtraitly, and Command, that Incontinent thir our Letters ſeen, ye paſs and in Our Name and Authority Command and Charge the ſaid perſonally, or at his Dwelling-place, to obtain himſelf, duely and lawfully Served, Retoured, Infeft and Seaſed as Heir in Special to his ſaid deceaſt Father, in the Lands and others above-appryſed, with the Pertinents belonging to his ſaid deceaſt Father, in Superiority, and wherein he may obtain himſelf Entered and Infeft as Heir foreſaid to him, and that within fourty Days conform to the Act of Parliament, to the Effect he may be in Capacity to Enter and Receive the ſaid Complainer In-vaſſal and Heretable Tennent to him therein, and thereby have the Right of the Property thereof, Eſtabliſhed in his perſon for payment and Satisfaction to him of the foreſaid Sums, for which the ſaid Appryſing was led and deduced as ſaid is, and thereby otherways due, of the Law, after the Form and Tenor thereof, Allowance and Approbation written on the Back thereof, Horning Raiſed thereupon, and Charge given by vertue thereof in all points, the Complainer being willing in that Caſe to do and perform that Duty Incumbent to him, as Superior of the Land, and in effect made offer thereof to him, in manner above-expreſt; With Certification to the ſaid if he failzie, he ſhal amit and tyne his ſaid Right of Superiority, and hail Dueties and Caſualities thereof, during all the days of his Lifetime, and it ſhall be lawful to the ſaid Complainer to take an Entry in the ſaids Lands, and others foreſaids from us, as Superior to his ſaid deceaſt Father, who died laſt veſt and Seaſed therein, and that the ſaid Entry ſua taken ſhall be als valid and ſufficient to all Intents and Purpoſes, as if the ſaid were Entered and Infeft as Heir in Special in the ſame, and had actually granted the ſaid Entry himſelf, notwithſtanding he willfully ly furth, and do not obtain himſelf Entered and Infeft as Heir in Special to him, in manner above-expreſt, *According to Juſtice, take in the* Becauſe *on the Back of the Bill, as ye will Anſwer to us thereupon, and let the Date of the Bill be the Date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

LETTERS of Special Charge at the Inſtance of a Perſon who is Served and Retoured heir in Special to his Father in his Eſtate, and obtained Precept thereupon, Direct to the Superior, (under the Quarter-Seal) being a Subject for Infefting him, but cannot take Effect, the Superior being only an Appearand Heir, and not Infeft himſelf; and therefore Charging him to Enter Heir, &c. in the Lands, to the Effect he may be in Capacity to receive him Vaſſal, &c.

CHARLES, *&c.* To, *&c.* Meſſengers, *&c.* Meaned and Shown to Us by *A. B.* of —— That where the ſaid Complainer was upon the —— day of —— —— years, duely and lawfully Served, and Retoured Heir in Special to the deceaſt *C. B.* of —— his Father, in the Lands and others after-ſpecified, *viz.* (*here Inſert the Lands as in the Special Retour, and then ſay*) to be holden of *C. D.* of —— as his immediat Superior, in manner, and for payment of the Duty after-expreſt, and conform thereunto, obtained the three Precepts out of the Chancellary, direct to the ſaid *C. D.* as Superior for Infefting the ſaid Complainer as Heir foreſaid therein; but albeit the ſaids Precepts Returned *ſucceſſive* after others, and in due courſe of Law to our Chancellary without any Obedience given thereunto, and albeit it be of verity, that the ſaid Complainer has diſcuſt his ſaid Appearand Superior, by the ſaids three Pre-

cepts, and offered to do that Duty Incumbent of the Law, and preſented to him a Precept of *clare conſtat*, to be Subſcribed by him in order thereto, yet was abſolutely refuſed, ſo that the Lands ly in Non-entry, not only in his Hands ſince the deceaſe of the Complainers Father, but alſo ly in our Hands by Reaſon of Non-entry ever ſince the deceaſe of the ſaid *C. D.* his Father, and the Complainer in both, thereby heavily prejudged, nor yet will the ſaid *C. D.* (even ſince the laſt Precept was Execute) obtaine himſelf duely and lawfully Served, Retoured and Infeft as Heir in Special to the deceaſt *C. D.* of —— his Father, in the ſaids Lands and others foreſaids, whereof he is Appearand Superior, to the effect he may be in Capacity to Enter and Receive the ſaid Complainer as Heir foreſaid, in the Property of the ſame, albeit oft and diverſe times deſired and required by the ſaid Complainer thereto, without he be farder compelled, wherefore neceſſar it is for the ſaid Complainer to have thir our Letters direct at his Inſtance againſt him, in manner and to the Effect after-ſpecified, as is alledged. *Our will is Herefore*, and We Charge you ſtraitly, and Command, that Incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. D.* Perſonally, or at his Dwelling-place, to obtain himſelf duely and lawfully Served, Retoured, Entered, Infeft and Seaſed as Heir in Special to his ſaid deceaſt Father, in all and ſundry the Lands and others above-ſpecified, whereof he is Superior as ſaid is, and that within fourty days conform to the Act of Parliament, to the Effect above-mentioned, and upon the Complainer his doing that Duty Incumbent of the Law as ſaid is, with Certification to him, if he failzie, he ſhal amit and tyne the ſaid Right of Superiority, and haill Dueties and Caſualities thereof during all the days of his Lifetime, and it ſhal be leiſume and lawful to the ſaid Complainer to take his Entry therein from us as Superior to the ſaid deceaſt *C. D.* therein, and who died laſt veſt and Seaſed in the ſame, holden of us, and that the ſaid Entry from us, ſhal be als valid and ſufficient as if the ſaid *C. D.* now of —— were Served, Retoured and Infeft as Heir in Special to his ſaid deceaſt Father in the ſamen, and had granted the ſaid Entry himſelf, and that notwitſtanding he willfully ly furth and will not Enter himſelf Heir in Special to his ſaid deceaſt Father therein, in manner above-expreſt: *According to Juſtice, take in the* Becauſe *of the Bill, as ye will anſwer* &c. *and let the Date of the Bill be the Date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *There muſt be a Declarator Purſued againſt the Appearand Heir after the fourty days are elapſed, in which the Miniſters of State and Director of the Chancellarie and his Deputs, and all Parties having or pretending to have Intereſt, muſt be called, which will be found amongſt the other Summonds.* page 234.

HORNING upon an Decreet of Removing before the Sheriff.

CHARLES, *&c.* To *&c.* Meſſengers, *&c.* meaned and ſhown to us by *A. B.* of — heretable Proprietar of the Lands and other after-ſpecified, that where (6) the ſaid Complainer (as he who ſtands infeft in the Lands of (*here inſert the Lands as in the Decreet of Removing*) obtained Decreet of Removing at his Inſtance, upon the —— day of —— laſt bypaſt, before the Sheriff of —— and his Deputs, againſt *C. D. M. H. W. B.* and *E. R.* pretended

tended Tennents and Poſſeſſors thereof, decerning and ordaining them to Flit and Remove themſelves, their Wives, Bairns, Men-tennents, Servants, Cottars and Dependers, Corns, Cattel, Goods and Gear therefrae, and leave the ſame void and Redd at the Term of *Whitſunday* then next, now laſt by paſt, to the effect the ſaid Complainer by himſelf, his Men-tennents, Sevants or others in his Name, might then enter thereto, and peaceably poſſeſs, bruick and enjoy the ſame, Set, Raiſe, uſe and diſpoſe thereupon, as his own proper Lands and Heretage at his Pleaſure thereafter, in time coming, and that conform to the ſaid Complainer his Infeftment thereof, dated the —— day of —— —— years, duely Regiſtrat, comform to the Act of Parliament, and Warning made thereanent, fourty days preceeding the ſaid Term, and in the Order preſcribed by Act of Parliament, as the ſaid Decreet of the Date foreſaid, containing Precept in the end thereof: and by vertue whereof, the forenamed Perſons were Charged to Remove, to the effect foreſaid, 7. Shown to our Lords of Council and Seſſion has Teſtified, and whilk Precept and Command whereof, they have not, nor will not obey, without they be compelled, as is alledged. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the fore-named perſons, pretended Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, perſonally, or at their dwelling-places, to flit and Remove themſelves, their Wives, Bairns, Men-tennents, Servants, Cotters and Dependers, Corns, Cattel, Goods and Gear, furth and frae the ſame Lands and others foreſaids, and leave the ſame void and Redd, to the effect above-mentioned after the Form and Tenor of the ſaid Decreet of Removing, and Precept therein-contained, in all Points, within ſix days next after the Charge, under the pain of Rebellion, and putting of them to our Horn (*after this follow forth the Stile of a Horning, but no Poynding, and then ſay*) According to Juſtice, becauſe the Lords have ſeen the Decreet above-written, as ye will anſwer to us thereupon, *and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *Since it is ſaid formerly, that all Hornings on inferior Judes Decreets, are to be on* 15 *days, why not this? the Anſwer is clear, Removings are privileged, being peremptory.*

Nota, *Some raiſe Caption after the Tennents are Charged, Denunced, and Regiſtrat at the Horn, and others do not give themſelves the Trouble, but raiſe Letters of Ejection direct to the Sheriff, and yet I begin firſt with the Caption.*

CAPTION upon the ſaid Horning.

CHARIES, *&c.* To *&c.* Meſſengers, *&c.* meaned and ſhown to us by *A B.* of — heretable Proprietar of the Lands, and others after-ſpecified, That whereupon the — day of — laſt bypaſt, *C. D. M. H. W. B.* and *E. R.* pretended Tennents and Poſſeſſors of the Lands and others after-mentioned. *viz.* (*here inſert the Lands as in the Horning*) were orderly denunced Rebels, and put to the Horn, by vertue of Letters of Horning, raiſed, uſed and execute at the Inſtance of the ſaid Complainer againſt them, for not fliting and removing themſelves, their Wives, Bairns, Men-tennents, Servants, Cotters, Dependers, Corns, Cattel, Goods and Gear furth and frae the ſaids Lands, and others above-written, and not leaving the ſame void and redd at *Whitſunday* laſt, to the effect the ſaid Complainer by himſelf, his Men-tennents, Servants, and others in his Name may enter thereto, and peaceably poſſeſs, bruik and injoy the ſame, Set, Raiſe, Uſe and Diſpoſe thereupon at pleaſure,

conform to his Infeftment thereof, dated the —— day of —— years, and warning uſed by vertue thereof preceeding *Whitſunday* laſt, and Act of Parliament made thereanent, and Decreet of Removing obtained at his Inſtance againſt them in the ſaid matter, before the Sheriff of —— and his Deputs, upon the —— day of —— alſo laſt bypaſt, as the ſaids Letters of Horning and Executions thereof duely Regiſtrat, conform to the Act of Parliament ſhown to our Lords of Council and Seſſion have teſtified; Under the Proceſs of the whilk Horn, the fore-named perſons Rebells foreſaid, have continually lyen and abidden ſenſyne, and yet daily haunt, frequent, reſort, and openly repair to Kirks, Mercats, (*After this follow furth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

LETTERS of Ejection upon the ſaid Decreet of Removing, and Regiſtrat Horning.

CHARLES, *&c.* To *&c.* Meſſengers, *&c.* meaned and ſhown to us by *I. B.* of —— That where (*here take in the Narrative of the former Horning from the 6 Figure to the 7, and then ſay*) ſhown to our Lords of Council and Seſſion has teſtified, whereupon the ſaid Complainer raiſed Letters of Horning at his Inſtance, againſt the fore-named perſons, and by vertue thereof cauſed *J. B.* Meſſenger paſs, upon the —— day of —— laſt bypaſt, and lawfully Command and Charge them in our Name and Authority, to Flit and Remove themſelves, their Wives, Bairns, Men-Tennents, Servants, Cotters, Dependers, Corns, Cattel, Goods and Gear furth and frae the ſaids Lands, and others foreſaids, and leave the ſame void and red, to the effect above-mentioned, within ſix days next after the Charge, under the Pain of Rebellion and putting of them to our Horn, and for their Diſobedience, were upon the —— day of —— alſo laſt bypaſt denunced thereto, and Regiſtrat thereat as the ſaids Letters of Horning, and Executions thereof duely Regiſtrat, conform to the Act of Parliament, alſo ſhown to our ſaids Lords has teſtified; Notwithſtanding whereof, the forenamed Perſons moſt contemptuouſly continue in the ſaid Poſſeſſion, and will not remove themſelves and their foreſaids therefrae, to the effect above-ſpecified, without they be farder compelled; Wherefore neceſſar it is for the ſaid Complainer, to have thir our Letters direct at his Inſtance, in manner, and to the effect after-mentioned, as is alledged. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the Sheriff-principal of —— and his Deputs (within whoſe Juriſdiction the ſaids Lands and others foreſaids lye, and the forenamed perſons dwell and reſide) perſonally, or at their dwelling-places, to Eject, Flit and Remove the forenamed perſons, pretended Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, their Wives, Bairns, Men-Tennents, Servants, Cotters, Dependers, Corns, Cattel, Goods and Gear, furth and frae the ſaids Lands, and others above-written, and put the ſaid Complainer, his Men-Tennents, Servants and others in his Name having his power, in the peaceable Poſſeſſion thereof, and to uſe all the Solemnities uſual and requiſite in the like caſes, after the Form and Tenor of the ſaid Decreet of Removing, Regiſtrat Horning, following thereupon, and thir our Letters in all points within ſix days next after they be charged by you thereto, under the pain of Rebellion, and putting of them to our Horn, with Certification to them if they failzie, our other Letters will be direct, charg-

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ing them thereto ſimpliciter, according to Juſtice, becauſe the Lords have ſeen the Decreet, and Regiſtrat Horning above-written, as ye will anſwer to us thereupon, *&c. and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *Ordinarly the Sheriff by himſelf or Deput give obedience, or make a Meſſenger his Deput in that part, and ſa I omit to ſet down the ſimple Horning, but if neceſſar, all that is to da, is to paſs a Bill, narrating the Narrative of the Horning, and its being regiſtrat, and the Letters immediatly above-written, and to ſubſume the Sheriff was charged upon ſuch a day to remove the Tennents, and put the Complainer in Poſſeſſion, as the ſaids Letters and Executions thereof preſent to ſhew bears, and that the ſaid Sheriff has given no obedience thereto; Wherefore neceſſar it is for the Party, to have Letters of Horning direct at his inſtance againſt the ſaid Sheriff, in manner, and to the effect after-ſpecified, and conclude ſimple Horning againſt him; And this Bill being paſt, Letters of Horning are accordingly raiſed thereupon*, and let the date of the Bill be the date of the Letters, *and conclude with*

Ex Deliberatione Dominorum Concilii.

LETTERS in Supplement at the Heretors Inſtance, againſt a perſon out of the Kingdom, and his Tennent, at Edinburgh *Croſs and Peir of Leith, Warning him to remove, ſince by vertue of the Heretors Precept it cannot be done.*

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to Us by *A. B.* of ——; That where the ſaid Complainer ſtands heretably Infeft and Seaſed, in all and haill the Lands of ——, lyand within Parochen of —— and Sheriffdom of ——, as the Inſtrument of Seaſine granted to him thereupon, duely Regiſtrat, conform to the Act of Paaliament in it ſelf more fully proports. Likeas the ſaid Complainer has ſubſcribed a Precept of Warning, dated the — day of —, for Warning —— Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, fourty days preceeding the Feaſt and Term of *Whitſunday* next, conform to the Act of Parliament, to Flit and Remove themſelves, their Wives, Bairns, Men-Tennents, Servants, Cotters, Dependers, Corns, Cattel, Goods and Gear, furth and frae the ſaids Lands, and others above-ſpecified with the Pertinents, and to leave the ſame void and Redd at the ſaid Term, to the Effect, the ſaid Complainer by himſelf, his Men, Tennents, Servants, and others in his name, may then enter thereto, and peaceably Poſſeſs, Bruik, Enjoy, Set, Raiſe, uſe, and Diſpoſe thereupon, as his own proper Lands and Heretage, at his pleaſure in time coming, conform to his ſaid Right and Infeftment in all Points. And in reſpect, *W. M.* and —— *H. W.* two of the ſaids Tennents, are preſently furth of the Kingdom, and ſo cannot be Warned by vertue of the ſaid Precept, either perſonally, or yet at their dwelling houſe. Therefore neceſſar it is for the ſaid Complainer, to have thir our Letters Direct at his Inſtance againſt them, (in Supplement of the ſaid Precept) in manner and to the Effect after-ſpecified, as is alledged. *Our Will is therefore*, and We charge you ſtraitly and command, That incontinent thir our Letters ſeen, ye paſs, ſixty days before *Whitſunday* next, to the Mercat-croſs of *Edinburgh*, and Pier and Shoar of *Leith*, and there (in Supplement of the ſaid Precept) and their by open Proclamation after three ſeveral Oyeſes, and publick Read-

ing of the ſaid Precept of Warning thereat, and thereupon *reſpective*, ſeverally and ſucceſſive after others, in our Name and Authority, lawfully Warn the foreſaid *W. M.* and *H. W.* two of the ſaids Tennents and Poſſeſſors, (in reſpect of their being forth of the Kingdom for the time) to Flit and remove themſelves, their Wives, Bairns, Men-Tennents, Servants, Cotters, Dependers, Goods and Gear, forth and frae the ſaids Lands and others foreſaids, and to leave the ſame void and Redd at the ſaid Feaſt and Term of *Whitſunday* next to come, to the Effect above-mentioned; with Certification to them if they Failzie, in manner ſpecified in, and conform to the ſaid Precept of Warning, and Act of Parliament made anent *Removing of Tennents frae Lands*, in all Points; According to Juſtice as ye will anſwer to us thereupon, *&c. Let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *Warning muſt be uſed at their dwelling-houſe, on the Ground, and Church-door beſides, and that by vertue of the Precept it ſelf.*

LETTERS in Supplement at Edinburgh *Croſs and Peer of* Leith, *againſt a Debitor forth of the Kingdom, for Requiſition of the Money due by an Heretable Bond.*

CHARLES, *&c.* To —— Meſſengers, *&c.* Meant and ſhowen to Us by *A. B.* of ——, That where *C. D.* of ——, by his Bond dated the — day of ——, —— years granted him to have borrowed and received from the ſaid Complainer, the Sum of — *ſcots* money: and for Security whereof, he Bound and obliged him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid Complainer, his Heirs and Aſſigneys whatſomever, heretably, in all and haill an Annualrent of — money foreſaid, as the preſent Annualrent of the ſaid principal *Sum*, (or in any other Annualrent effeirand and correſpondent thereto, that by any ſupervenient Law ſhould happen to be eſtabliſhed within this Kingdom for the future) yearly to be uplifted and taken at two Terms, in the year — and — by equal Portions, forth of all and haill the ſaid *C. D.* his Lands of —, lyand within the Parochen of —, and Sheriffdom of ——, or any part or Portion thereof, and readieſt Mails, Farms, Canes, Cuſtomes, Caſualities, Profits and Duties of the ſame, and that by double Infeftments and manner of Holdings, to be holden with Warrandice, and under Reverſion in manner ſpecified in the ſaid heretable Bond, whereby the ſaid *C. D.* obliged him and his foreſaids, to make payment to the ſaid Complainer and his foreſaids, of the ſaid Annualrent yearly at the Terms, and by equal Portions in manner foreſaid, beginning the firſt Terms payment thereof at the Term of —— then next to come, (for the Term immediatly preceeding) and ſua forth Termly thereafter, during the not Redemption; with the Sum of — money foreſaid of liquidat Expenſes for ilk Terms failzie in caſe thereof, and that by and attour the ſame, and together therewith: And notwithſtanding of the Premiſſes, yet if it ſhould pleaſe the ſaid Complainer or his foreſaids, rather deſire to have the ſaid principal Sum repayed to them, than to retain the Security of the ſaid Annualrent. Then and in that caſe, the ſaid *C. D.* Bound and obliged him, and his foreſaids, to make payment to them thereof, at the Term of ——, Iven 16 — and —— years, or at any other Term, Iven thereafter the ſaid Complainer or his foreſaids pleaſed as ſaid is, upon lawful Requiſition of fourty days of before, to be made by them to the ſaid *C. D.* or his foreſaids for that Effect, perſonally, or at their dwelling-places, in preſence of

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an Nottar and Witneſſes as effeirs, with the haill bygone Annualrents reſting for the time, and termly Failzies thereof above-mentioned if Incurred, together with the Sum of —— money above-written, of liquidat Penalty in caſe of Failzie, and that by and attour the ſaid principal Sum, Annualrents thereof, termly Penalties, and together therewith, (6) as the ſaid Heretable Bond of the date foreſaid, ſhowen to our Lords of Council and Seſſion has teſtified. And in reſpect the ſaid Complainer intends to uſe Requiſition for the ſaids Sums, for payment thereof at the Term of —— even next to come, and that the ſame cannot be uſed perſonally, or at his dwelling, conform to the ſaid Bond and Clauſe of Requiſition therein contained, in reſpect the ſaid *C. D.* is for the preſent out of the Kingdom: therefore neceſſar it is for him, to have thir our Letters (in Supplement) Direct at his Inſtance, againſt the ſaid *C. D.* in manner, and to the Effect after-ſpecified, as is alledged. *Our Will is herefore*, and We charge you ſtraitly, and Command, That incontinent thir our Letters ſeen ye paſs, (ſixty days before the Term of —— next with the ſaid Complainer, or his Attorney, or Procurator lawfully conſtitute by him to the Effect aftermentioned, and in preſence of a Nottar and Witneſſes) to the Mercat-croſs of *Edinburgh*, and Peer and Shoar of *Leith* reſpective and ſucceſſive after others, and their in our Name and Authority, lawfully require the ſaid *C. D.* (in reſpect for the preſent he is forthwith the Kingdom) to provide and have in readineſs the ſaid principal Sum of —— money foreſaid, with the Annualrents reſting for the time, and termly Penalties thereof above-ſpecified, againſt the Term of —— even next to come, and to make payment then to the ſaid Complainer thereof, for Redemption of the ſaid Annualrent upliftable forth of the ſaids Lands in manner foreſaid: And to proteſt that if he Failzie therein, he ſhall incur and be lyable in payment of the foreſaid Penalty of —— money above written, and that by and attour performance of the Premiſſes: and together therewith, and thereupon take Inſtruments after the Form and Tenor of the ſaid Heretable Bond, and Clauſe of Requiſition therein contained, in all Points, According to Juſtice, *becauſe the Lords have ſeen the Heretable Bond above-written*, as ye will anſwer to us thereupon, *&c. And let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *ſome Heretable Bonds and Contracts of Wodſet, Proper and Improper, bear this Clauſe; or in the like Terms after the Clauſe of Requiſition*, viz. *and it is hereby expreſly provided and declared, That the uſing of the ſaid Requiſition, or any real or perſonal Diligence, and Execution to follow thereupon, ſhall not Looſe, Hurt, Prejudge, Innovat or Infringe the Infeftment and Right of Annualrent above-ſpecified; and that the foreſaid Infeftment and Right of Annualrent, ſhall not Hurt, Prejudge, Innovat or Infringe the foreſaid Requiſition, real or perſonal Diligence, and Execution to paſs thereupon, But that it ſhall be lawful to the ſaid A. B. and his foreſaids, to make uſe of all, or either of them, conjunctly or ſeverally, as accumulative or diſtinct Rights in their option, in all time coming; and that but any Innovation or confuſion of Rights.*

Nota, *if any ſuch Clauſe fall out, the ſame would be always Inſert at this 6 Figure* ad longum; *and before* after the Form and Tenor in the Will, more curtly thus, *and with and under the Proviſion, Condition and Declaration above-mentioned.*

Nota, *I have ſeen Bonds diſpenſing with that of* Edinburgh *Croſs, and Peer of* Leith, *but I never uſed it my ſelf, judging it more ſafe to walk by the Law.*

ADVOCATION at the Inſtance of the very Purſuer of the Proceſs, from an inferior Judge, (which is rare, and yet juſt) upon iniquity.

CHARLES, *&c.* To —— Sheriffs in that part, *&c.* Meant and ſhowen to Us by *A. B.* of---; That where the ſaid Complainer having Raiſed Summonds, and Intented Action at his Inſtance before the Sheriff of --- and his Deputs, againſt *C. D.* of ---, touching the Decerning of him by their Decreet, to make payment to the ſaid Complainer of the Sum of --, as the Maills and Duties of the Lands of ---, lyand within the Parochin of --, and Sheriffdom of ——, of the Cropt and year —— years, due by him as Tackſman and Poſſeſſor thereof, and of the like Duty yearly ſenſyne, and in time coming during his Poſſeſſion; and to which Lands the Complainer has Right by Appriſing, Led and Deduced at his Inſtance, againſt *W. M.* of —— Heretor thereof, upon the —— day of ——, —— years; and whereupon there were Letters of Horning, Raiſed and Execute againſt the Superior, a Charter obtained in obedience thereunto, and he accordingly Infeft. And in which Action, M. *J. B.* of —, having alſo compeared for his Intereſt, and produced a Seaſin, dated the —— day of ——, —— years, proceeding upon a Charter of Appriſing, granted to him by the ſame Superior, dated the —— day of ——, years, following upon an Appriſing led at his Inſtance of the ſaids Lands, againſt the ſaid *W. M.* of ——, upon the —— day of --, --- years: And being admitted, the ſaid Sheriff, (at leaſt his Deput) intends to prefer him to the Complainers Right, and thereby appears moſt Partial for the Reaſons and Cauſes following. *In the firſt*, Becauſe the Complainer, his Right is truly in Law preferable; in ſo far as, albeit the Party compearing for his Intereſt, had ſo much power with the Superior, as to obtain the firſt Charter, and thereupon Infeft: yet the Complainer ſeveral Months before any ſuch Entry, charged the Superior with Horning; and however he ſuſpended the Complainer, who was thereby protracted and delayed for ſo long time, and that the date of his Charter and Seaſine following thereupon be poſterior, it is preferable notwithſtanding, and in Law brought back to the date of the Charge of Horning. To which, and Decreet of Suſpenſion following thereupon, the Complainers Charter is relative; and being *in curſu diligentiæ*, cannot by the Superiors Act be prejudged in the leaſt, and a Charge of Horning is equivalent to a Charter, and ſo frequently Decided by our Lords of Council and Seſſion; and yet the ſaid Sheriff-deput by an Interloquitor, has preferred the firſt Charter and Seaſine thereon, without reſpect to the Complainers Diligence aforeſaid, and thereby has committed palpable injuſtice and iniquity. *Secondly*, However in the firſt Inſtance, and in the principal Action of Mails and Duties, the Sheriff or his Deputs, might be Judges competent; yet when the other Party compeared, and produced his Intereſt, whereby the ſubject Matter purſued for, reſolved in a double Poynding; and ſo dipping upon double Rights and Infeftments, by the Laws and Acts of Parliament of this Kingdom, our ſaids Lords of Council and Seſſion (and no inferior Judges) are only Judges competent and unſuſpect thereto; & ſua our ſaids Lords may evidently perceive, how wrongouſly and unjuſtly the ſaid Sheriff (at leaſt his ſaid Deputs) have pronounced the foreſaid Interloquitor, contrare to all Law, Equity and Reaſon; and therefore the foreſaid Action and Cauſe, ought and ſhould be Advocat from the ſaid Sheriff and his Deputs, to the ſaids Lords themſelves, as only Judges competent and unſuſpect thereto; and the ſaid Sheriff and his Deputs, and all other inferior Judges within this Kingdom, diſcharged

charged from all further proceeding, cognoſcing, or decerning thereuntil in time coming, for the Reaſons and Cauſes foreſaids, and others, as is alledged. *Our Will is herefore*, and We charge you, That ye lawfully Summond, Warn and Charge the ſaid Sheriff and his Deputs, before whom the ſaid principal Action was purſued, and wherein the ſaid other Party compeared for his Intereſt as ſaid is, and their Clerk of Court and the ſaid M. *J. B.* Party, compearand for his Intereſt in manner foreſaid, perſonally or at their dwelling-places, to compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the --- day of --- (*to be regulat by the back of the Bill*) if it be lawful; and failzieing thereof, the next lawful day thereafter following in the hour of Cauſe, with continuation of days, bringing with them the principal lybelled Summonds, or Precept raiſed in the ſaid Matter, with the Executions thereof, and Intereſt produced for the ſaid M. *J. B.* with the haill Acts, Interloquitors and Minuts of Proceſs made therein, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame Advocat to themſelves, as only Judges competent and unſuſpect thereto: and the ſaid Sheriff and his Deputs, and all other inferior Judges within this Kingdom, diſcharged from all farder proceeding, cognoſcing or decerning thereuntil in time coming, for the Reaſons and Cauſes foreſaids, and others. *Attour*, We and our ſaids Lords of Council and Seſſion, in our Name, hereby Advocat the foreſaid Action and Cauſe from the ſaid Sheriff and his Deputs, and all other inferior Judges to the ſaids Lords themſelves: *Diſcharging hereby* the ſaid Sheriff and his Deputs, and all other inferior Judges within this Kingdom, from all further Proceeding, Cognoſcing or Decerning therein in time coming, while the —— day of ——, (*in this be regulat by the Bill, and then ſay*) That the Verity be known, According to Juſtice as ye will anſwer to us thereupon, *&c. And let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

ADVOCATION at the inſtance of a Creditor who compeirs for his Intereſt in a Proceſs commenced by another Creditor, againſt a perſon that is Debitor to them both, and to ſeveral others, and compearing and producing his Intereſt in the Competition, and meets with Injuſtice.

CHARLES, *&c.* To —— our Sheriffs *&c.* Meant and ſhowen to Us by *A. B.* of — lawful Creditor to *C. D.* of ——, That where *J. M.* Merchant Burges of —— being alſo Creditor to the ſaid *C. D.* having raiſed Precept or Summonds before the Sheriff of — and his Deputs againſt *W. M.* of — and the ſaid *C. D.* for his Intereſt, touching the Decerning of the ſaid W.M. to make furth-coming payment and deliverance to him of the Sum of ---- *Mony*, leſs or more Addebted, and Reſting owing by the ſaid *W. M* to the ſaid *C. D.* by Bond, Paction, or otherways, and arreſted in his hands by the ſaid *J. M.* at leaſt ſo much thereof as will ſatisfie and pay the ſaid *J. M.* of the Sum of —— Money foreſaid of Principal, with Annualrents and Expenſes, contained in a Bond granted to him by the ſaid *C.* D. thereupon, of the date the — day of —— — years, Regiſtrat in the Books of Council and Seſſion the —— day of — laſt bypaſt, there was Compearance made in the ſaid Proceſs by *L.* D, Merchant in —— *O. F.* Merchant in —, *W. H.* of ——, and ſeveral other Creditors of the ſaid *C.* D. and produced their ſeveral Intereſts, and the ſaid Complainer likeways compeared and produced his Intereſt, *viz.* An Aſſignation made to him of the ſaid Debt arreſted, dated the —— day of —— — years, with an Inſtrument of Intimation thereof made by the common Debitor, dated the —— day of —— and betwixt the Hours of ——

and —— the ſaid day, and ſo antecedent to the ſaid Arreſter, and in effect to all the other perſons compeiring and compeating their ſeveral Intereſts produced; And yet notwithſtanding the ſaid Sheriff and his Deputs intend to proceed in the ſaid Action, and pronunce and give furth Sentence *condemnatory* againſt the ſaid Complainer, preferring the ſaid *L. D.* one of the Competitors, and that moſt wilfully and partially, albeit they be not now Judges competent therein, for the Reaſons following. *In the Firſt*, Becauſe by the Laws and Acts of Parliament of this Kingdom, no inferior Judge ought to meddle with, or determine in Actions that dip and depend either upon double Infeftments. or double Rights; But ſua it is, that this Action as it ſtands now ſtated (however originally, *& prima inſtantia*, but a furth-coming) dipps and depends upon double Rights, *viz.* The Complainers Aſſignation and Intimation thereof, and ſpecifick Hour of the ſaid Intimation, and upon the ſaid *L. D.* his Arreſtment layd on the ſaid Sum the ſame individual day, and in the Competition as the ſaid Complainers Intimation bears a ſpecifick Hour; So it was offered to be proven by him, not only by the Oaths of the Meſſenger that arreſted, and Witneſſes inſert in his Executions, but even by the Arreſter himſelf, that the pretended Arreſtment was not laid on, no not for three Hours thereafter, *& vigilantibus non dormientibus jura ſubveniunt*; And yet the ſaid Sheriff and his Deputs intend to prefer the ſaid *L. D.* if not wholly, yet at leaſt *pari paſſu* with the Complainer, upon no other ground or ſhadow, but that the Intimation and Arreſtment were in one day, but forbears the making Diſtinction of Hours, albeit the Law be poſitive, and therefore all Seaſings bears not only Hours, but whether in the Fore or in the Afternoon, and all, (no doubt) to bea true ground of preference betwixt Right and Right, by which the partiallity and Iniquity of the ſaid Sheriff and his Deputs, are moſt obvious and apparent, and thereby the whole Action intirely as it ſtands, ought to be Advocat from them, and all other inferior Judges to our Lords of Council and Seſſion, as only Judges competent, and unſuſpect thereto. *Secundo.* The foreſaid Action ought to be advocate to the ſaids Lords, becauſe the ſaid Sheriff is Couſin-German to the ſaid *L. D.* as appears by a Teſtificat under famous Gentle-mens Hands, produced to the ſaids Lords, and the ſaids Deputs being of his own Creation, no Juſtice can be expected from them, no more than from himſelf, and ſo our ſaids Lords may evidently perceive how wrongouſly and injuſtly the ſaid Sheriff and his Deputs intend to proceed in the ſaid matter, and pronunce Decreet therein, in manner above-expreſt: *After this follow furth the Stile of the former Advocation* uſque ad finem, *& mutatis mutandis*, as to the day of Compearance, and other day to which Advocate, which the Deliverance of the Bill clears, *and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

HORNING and Poynding on a Decreet of Spuilzie, Intruſion and Ejection having days.

CHARLES, *&c.* To —— Meſſengers, *&c.* Greeting; Foreſuameikle as, *A. B.* —— obtained a Decreet at his Inſtance, before our Lords of Council and Seſſion, upon the day and date of thir preſents, againſt *C. D.* of ——, *M. J. B.* of —— and *W. H.* of ——, for the Cauſes therein-ſpecified, finding and declaring, that the forenamed perſons have done wrong, in the wrongous violent and Maſterful coming by themſelves, and others in their Names

Names, of their Cauſing, Sending, and Hounding out, in the Month of ---- years, and upon one or other of the days thereof, to the Ground of the ſaid *A. B.* his Lands of --- lying within the Parochin of --- and Sheriffdom of --- whereof he by himſelf, Men-Tennents and Servants was in the peaceable poſſeſſion, by doing all Deeds of Property and Commonty of the Law requiſite and neceſſar, and there in the wrongous violent and Maſterful intruding themſelves in the Poſſeſſion thereof, and ejecting the ſaid *A. B.* and his ſaids Men-Tennents and Servants furth of the ſame, and in like manner in ſpuilzeing and away taking at the ſame time from off the Ground of the ſaids Lands, from the ſaid *A. B.* and his foreſaids- of the Goods, Gear, Corns, Cattel, Horſe, Nolt, Sheep, Pleniſhing, and others after-ſpecified, of the Avails, Quantities, Eſtimations and Prices after-mentioned, and keeping and detaining the ſame from them, together with the excreſſent Profits thereof. in Working, Ryding, and Hyre-gang, Milkneſs and otherways, daily, and ilk day, yearly, and ilk year, continually ſenſyne, extending the ſaids Prices and excreſſent Profits, in manner after-rehearſed. *viz.* (*here inſert the Goods ſpuilzied, with their Prices, excreſſent Profits and Prices thereof, as decerned by the Decreet, and then ſay*) And which reſpective Values and Prices the ſaids Beaſtial and Goods were worth, and likeways in Excreſſency would have yeilded to the ſaid *A. B.* and his ſaids Tennents and Servants had the ſame, remained with them, and they ſuffered to have continued in peaceable Poſſeſſion thereof; And therefore Decerning & Ordaining them to reſtore and deliver to him the ſaids Goods, & make payment to him of the ſaids Prices, and to make payment to him of the bygone excreſſent Profits or Prices thereof above-ſpecified; and ſicklike to make payment to the ſaid *A. B.* of the like (6) excreſſent Profits, Work and Hyre-gang, daily and ilk day, and yearly and ilk year, reſpective in all time-coming, ay and while they make Reſtauration or payment of the Prices and Values above-ſpecified, and likeways to reſtore the ſaid *A. B.* and his ſaids Tennents and and Servants to the real, actual and peaceable poſſeſſion of the ſaids Lands and others foreſaids, and haill Houſes, Biggings, Miln, Kill, Barn, Byers, and others being thereupon the time foreſaid of the ſaid illegal Intruſion and Ejection, and in als good Caſe and Condition as they then were, and to make payment to the ſaid *A. B.* of the Sum of —— Money foreſaid, for each Boll of —— Bear, the Sum of —— for each Boll of Oats, and the Sum of —— for each Boll of —— Peaſe, and the Sum of —— for each Boll of Beans, and the Sum of --- for each Boll of —— Bolls Rye ſowen by the ſaid *A. B.* and his ſaids Tennents and Servants in the ſaids Lands, the year of the ſaid illegal Intruſion and Ejection, together with the Sum of —— for each Boll of ---- Bear —— for each Boll of —— Oats, —— for each Boll of —— Peaſe, —— for each Boll of —— Beans, and —— for each Boll of —— Rye, which the ſaids Lands and others foreſaids would (according to the ſowing aforeſaid) have yeilded in Profit and Excreſſency, the ſaid year of the ſaid illegal Intruſion and Ejection, had the forenamed perſons not ejected the ſaid *A. B.* and his ſaids Tennents and Servants furth thereof, and wrongouſly, violently and maſterfully intruded themſelves therein, in manner above-expreſt; And laſtly, to make payment to the ſaid *A. B.* of the like Number of Bolls of the ſeveral Grains above-mentioned, or of the Prices thereof above-rehearſed, yearly ſenſyne, and ſicklike yearly in time-coming, ay and while they enter the ſaid *A. B.* and his foreſaids to the actual, real and peaceable poſſeſſion of the ſaids Lands and others foreſaids, conform to the ſaid *A. B.* his Rights and Infeftments of the ſame, lybelled upon, and produced the time of the obtaining of the ſaid Decreet (7) in all points, as the ſaid Decreet of the date foreſaid, Ordaining thir our Letters to be direct thereupon in manner under-written, at more length proports. *Our Will is herefore*, and we charge you ſtraitly, and

Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the forenamed perſons perſonally, or at their dwelling-places, to reſtore and deliver to the ſaid A. *B.* the ſaids Goods, or make payment to him of the ſaids Prices, and als to make payment to him of the ſaids bygone excreſſent Profits or Prices thereof above ſpecified, and ſick-like to make payment to him of the like (*here take in as before the Will from the 6 Figure to the 7, and then ſay*) after the Form and Tenor of the ſaid Decreet, in all points, within 15 days next after the Charge, under the pain of Rebellion, and putting of them to our Horn, (*after this follow furth the Stile of an ordinary Horning and Poynding, but after the words of the Poynding ſay*, to the Availand Quantitie of the ſaids liquidat Sums, after the Form and Tenor of the ſaid Decreet, in all points, according to Juſtice, as ye will anſwer to us thereupon, *&c. and let the date of the Decreet be the date of the* Letters, and conclude with

Per Decretum Dominorum Concilii.

Nota, *As Intruſions, Ejections and Spuilzieations, are in effect Crimes and may be purſued before the Council or Juſtice-Court, ſo,* (*and more frequently*) *Parties purſne ſuch before the Lords of Seſſion, who make all the Defenders lyable* in ſolidum, *and when ſo, they may be charged conjunctly and ſeverally, but in this the Lords Decreet in what terms ſoever conceived muſt be the Writers Rule, in raiſing of Horning or other Diligence.*

HORNING upon a Decreet of Exhibition and delivery of Writs.

CHARLES, *&c.* To — Meſſengers, Greeting: Foreſameikle as *A. B.* of —— obtained a Decreet at his Inſtance before our Lords of Council and Seſſion, upon the day & date of thir preſents, againſt *C. D.* of —— (for the cauſes therein ſpecified) decerning and ordaining him to give up and deliver to the ſaid *A. B.* the Writs and Evidents following, *viz.* (*here inſert the Writs in the Terms of the* Decreet, *and then ſay*) to be keept and uſed by the ſaid *A. B.* his Heirs and Aſſigneys, as their own proper Writs and Evidents, and as the Rights and Securities of the Lands of —, with the Teinds of the ſame diſponed and Aſſigned by the ſaid *C. D.* to the ſaid *A. B.* and his foreſaids heretably, conform to the Diſpoſition granted thereanent, dated the — day of —— —— years, at their pleaſure in time-coming, as the ſaid Decreet of the date foreſaid, ordaining thir our Letters to be direct thereupon, in manner under-written, at more length proports. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *C. D.* perſonally, or at his dwelling-place, to give up and deliver to the ſaid *A. B.* the Writs and Evidents above-ſpecified, of the Lands, Teinds, and others abovementioned, to be kept and uſed by him and his foreſaids, as their own proper Writs and Evidents, at their pleaſure in time-coming, after the Form and Tenor of the ſaid Decreet, in all points, within 15 days next after the Charge under the pain of Rebellion, and putting of him to our Horn, (*follow furth the Stile of an ordinary Horning without Poynding, and then ſay*) according to Juſtice, as ye will anſwer, *&c. and let the date of the* Decreet *be the date of the* Letters, and conclude with

Per Decretum Dominorum Concilii.

HORNING

HORNING upon a Decreet of Exhibition of Writs in the Clerks hands, for Tranſumpts to a Party having Intereſt, againſt the Repreſentative of the diſponer of Lands.

CHARLES, *&c.* To —— Meſſengers, *&c.* Greeting: Forſuameikle as *A.B.* of —— obtained a Decreet at his Inſtance before our Lords of Council and Seſſion upon the day and date of thir preſents, againſt *J.* D. of —— eldeſt lawful Son and Heir to the deceaſt *C.* D. of —— *(for the Cauſes therein-ſpecified)* Decerning and Ordaining him to exhibit and produce in the hands of *S. A. G.* one of the Clerks of Seſſion, the Writs and Evidents following, *viz. (here take in the Writs as in the Decreet, and then ſay)* to the effect the ſame may be judicially tranſumpted, and the authentick Tranſumpts thereof delivered to the ſaid *A.* B, under the Hand and Subſcription of our Clerk of Regiſter, or his Deputs, for his Security of the Lands of — with the Teinds and Pertinents thereof, lying within the Parochin of — and Sheriffdom of — and whereunto the ſaid *A. B.* has Right, in manner ſpecified in the ſaid Decreet, as the ſame of the date foreſaid, Ordaining thir our Letters to be direct thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *J.* D. perſonally, or at his dwelling-place, to exhibit and produce in the hands of the ſaid S. *A. G.* one of our Clerks of Seſſion, the Writs and Evidents above-ſpecified, to the effect the ſame may be judicially tranſumpted, and the ſaids Tranſumpts under the hand of our Clerk-Regiſter, or his Deputs, delivered to the ſaid *A. B.* for his Security of the Lands, Teinds, and others abovementioned, after the Form and Tenor of the ſaid Decreet, in all points, within 15 days next after the Charge, under the pain of Rebellion, and putting of him to our Horn, *(after this follow furth the Stile of an ordinary Horning without Poynding, and then ſay)* according to Juſtice, as ye will anſwer, *&c. and let the date of the* Decreet *be the date of the* Letters, and conclude with

Per Decretum Dominorum Concilii.

LETTERS of looſing an Arreſtment, becauſe the Debt was ſuſpended, and Caution found; and the Arreſtment laid on afterwards, conform to an Act of Sederunt, *(which differs from the former looſing of an Arreſtment among the real and perſonal Diligence)* 1 Part, page 65.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to Us by *A.B.* of ——; That where *W. H.* of ——, has upon his pretended manner, and by vertue of Letters of Horning, containing Poynding and Arreſtment, raiſed at his Inſtance againſt the ſaid Complainer, cauſed Fence and Arreſt in the hands of *C. D.* of ——, the Sum of —— *ſcots* money, leſs or more, addebted by him to the ſaid Complainer, by Bond or otherways, (6) to remain under ſure Fence and Arreſtment at the Inſtance of the ſaid *W. H.* ay and while he be ſatisfied and payed of the Sum of —— money foreſaid of Principal, with certain Annualrents and Expenſes, contained in a Bond granted by the ſaid Complainer to him thereupon, of the date the — day of ——, —— years, Regiſtrat in the Books of Council and Seſſion the —— day of ——,

and that moſt wrongouſly and unjuſtly; *Conſidering* it is of verity, That the ſaid Complainer being charged with Horning, at the Inſtance of the ſaid *W. H.* for payment of the ſaid Debt, he meaned himſelf to our Lords of Council and Seſſion; and upon certain relevant and pregnant Reaſons, and finding of ſufficient Caution, obtained Suſpenſion in the ſaid Matter, Diſcharging all further Execution therein, and which lies over as yet undiſcuſt, as the ſame ſhowen to the ſaids Lords has teſtified. Likeas the ſaids Lords by their Act of *Sederunt*, upon the Grounds and Conſiderations therein mentioned, ordained Arreſtments made after Suſpenſion, and finding of Caution therein, to be looſed without Caution or Conſignation, even albeit laid on, by vertue of Arreſtments founded upon Regiſtrat Bonds, Decreets, or the like. But ſua it is, That the ſaid Suſpenſion was raiſed upon the --- day of --- laſt by paſt, and the ſaid pretended Arreſtment was only made, and laid on in the hands of the ſaid *W. M.* upon the ---- day of ----, and ſo by the ſpace of ---- thereafter, as the Copy of the ſaid Arreſtment alſo ſhowen to the ſaids Lords has teſtified. And in Effect, the ſaid Arreſtment is only laid on of purpoſe, and moſt maliciouſly, to render the Complainer incapable to raiſe his own money, and ſatisfy his own Debt therewith: and ſua our ſaids Lords may evidently perceive, how wrongouſly and unjuſtly the foreſaid Arreſtment was laid on after Suſpenſion as ſaid is, by all Law, Equity and Reaſon, and contrare to the ſaid Act of *Sederunt*; and therefore the foreſaid pretended Arreſtment, ought and ſhould be looſed but Caution or Conſignation in manner after-ſpecified, as is alledged. *Our Will is herefore*, and We charge you ſtraitly, and Command, That incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, looſe the foreſaid pretended Arreſtment, made and laid on in the hands of the ſaid *W. M.* after Suſpenſion and finding of Caution therein in manner foreſaid, and how oft any ſuch pretended Arreſtment beis laid on in time coming: That ye in our Name and Authority, looſe the ſame als oft of new again, upon the foreſaid Caution found in the ſaid Suſpenſion as ſaid is, and that ye Intimat the looſing of the ſaid Arreſtment to the ſaid *W. M.* perſonally, or at his dwelling-place, and deliver to him a juſt and authentick Copy thereof, or Affix and leave the ſame in the Lock-hole of the moſt patent Gate or Door of the ſaid dwelling-houſe in caſe he cannot be found perſonally, after knocking ſix ſeveral Knocks thereat as uſe is, containing the day of the looſing of the ſaid Arreſtment, and that the ſaid looſing of Arreſtment is paſt without Caution or Conſignation upon the Grounds aforeſaid, together with the Witneſſes names, ſirnames and Deſignations, preſent with you at the looſing thereof, otherways the ſaid Arreſtment to remain unlooſed, According to Juſtice becauſe (*here take in the Becauſe, on the back of the Bill, and then ſay*) as ye will anſwer to us thereupon, *&c.* (*and let the date of the Bill be the date of the Letters*) and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *in caſe the Creditor has Arreſted in the hands of moe perſons than one, the Writer may ſay in the Narrative*, That ſuch a perſon has (by vertue of Letters of Horning, containing Poynding and Arreſtment, raiſed at his Inſtance againſt the Complainer) cauſed Fence and Arreſt in the hands of diverſe and ſundry perſons, Debitors and Tennents, to the ſaid Complainer, all and ſundry Goods, Gear, Debts, Sums of money, Corns, Cattel, Inſight-plenishing, Mails, Farms, Profits and Duties of Lands, Tenements, and others pertaining and belonging to him. (*After the 6 Figure, follow forth the former Stile* uſque ad finem; *only whereas the former was called but an Arreſtment in the ſingular Number, let it be termed Arreſtments in the Plural.*

LETTERS

LETTERS of Intimation to the apparent Heir of the Seller of Lands, and his Tutors and Curators, at the Inſtance of the Acquirer, of ſome Diſtreſs and Action of Eviction intented againſt him, of the Lands and others diſponed.

CHARLES, *&c.* To —— Meſſengers, *&c.* meaned and ſhowen to Us by *A. B.* of —; That where M. *J. B.* of —— now deceaſt, by his Diſpoſition dated the —— day of ——, --- years, (for the onerous Cauſes therein ſpecified) Sold, Annalzied and Diſponed to the ſaid Complainer, his Heirs and Aſſigneys therein mentioned, heretably and irredeemably all and haill, (*here inſert the Lands as in the Diſpoſition, and then ſay*) lyand in manner therein expreſt: and Bound and obliged him, his Heirs and Succeſſors, to Infeft and Seaſe the ſaid Complainer and his foreſaids therein, by double Infeftments and manner of Holdings, to be holden in manner therein rehearſed, and to grant all Rights requiſite thereanent, with abſolute Warrandice againſt all Incumbrances, and Grounds of Eviction whatſomever, at all hands and againſt all deadly, in manner ſpecified in the ſaid Diſpoſition, which contains Procuratory of Reſignation, Precept of Seaſin, and diverſe other Obligments, Articles and Clauſes, conceived in favours of the ſaid Complainer and his foreſaids, as the ſame of the date foreſaid in it ſelf more fully proports. And true it is, That the ſaid Complainer is cited before our Lords of Council and Seſſion, to the —— day of —— next to come, in an Action of Reduction, Improbation and Declarator, raiſed at the Inſtance of *W. M.* of ——, of the Right of the ſaids Lands in order, as would appear to evict the ſame from the Complainer: And albeit it be of verity, that he has oft and diverſe times deſired and required *J. B.* now of ——, eldeſt lawful Son and Heir, at leaſt apparand Heir to the ſaid deceaſt M. *J. B.* of —— granter of the ſaid Diſpoſition, and his Tutors and Curators for their Intereſts, to relieve him of the ſaid Diſtreſs; nevertheleſs they wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled: And in reſpect the ſaid *J. B.* is Minor, and that he either wants Tutors and Curators, or are not known; therefore neceſſar it is for the ſaid Complainer, to have thir our Letters of Intimation, Direct at his Inſtance againſt them, in manner, and to the effect after-ſpecified, as is alledged. *Our Will is herefore*, and we Charge you ſtraitly, and Command, That incontinent thir our Letters ſeen, ye paſs with the ſaid Complainer, or his Attorney in his name, having his Power and Warrand, and in preſence of a Nottar and Witneſſes as effeirs, and in our name and Authority, make due and lawful Intimation of the ſaid Diſtreſs to the ſaid *J. B.* of ——, perſonally, or at his dwelling-place for the time, and to his ſaids Tutors and Curators if he any has for their Intereſts, by open Proclamation at the Mercat Croſs of ---, and other places needful, to the effect they may compear and defend in the ſaid Action of Reduction, Improbation and Declarator, intented againſt the ſaid Complainer as ſaid is, and warrand him and his foreſaids againſt the ſame, conform to the ſaid Diſpoſition and Clauſe of abſolute Warrandice therein contained in all Points, proteſting that they may be lyable *in eventu*, as to all damnage and prejudice the Complainer and his foreſaids ſhall happen to ſuſtain therethrough, either by Eviction, Expenſes of Plea, or otherways; and that the ſaid *J. B.* and his ſaids Tutors and Curators, may have the better knowledge of the ſaid Intimation, to give Inſpection to the ſaid *J. B.* if he can be apprehended of the ſaid Copy and Citation, and likewiſe deliver to him a juſt Double thereof: and in caſe he cannot be perſonally apprehended, that ye affix and leave the ſaid Double in the Lock-hole of the moſt patent Gate or

Door of his ſaid dwelling-place: and ſicklike affix and leave another Double thereof at the ſaid Mercat-croſs, before famous Witneſſes, According to Juſtice as ye will anſwer, *&c. and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *the Bill of thir Letters needs no Inſtruction in the Bill-chamber, being only an Intimation of a Diſtreſs*, & periculo impetrantis; *but if the Clerks will have it ſo, let the Diſpoſition and Copy be produced, and in that caſe Bill and Letters muſt bear it: and after* According to Juſtice, *the Becauſe on the back of the Bill muſt be inſert. And in the Bill ye muſt ſay*, preſent to ſhow bears: *and in the Letters*, ſhowen to our Lords of Council and Seſſion has teſtified.

Nota, *ſome Clauſes of Warrandice have a Proviſion ſubjoyned, That if any Action of Eviction be intented, the Acquirer make Intimation thereof to the Diſponer or his Heirs, that they may compear and defend, and to make the Writs and Evidents delivered, forthcoming for that effect, and other Clauſes of Warrandice have it not: But however, it is juſt it be done, and the Law, and the very nature of a Warrandice imports no leſs; elſe the Acquirer might comply in the Eviction, and thereafter purſue his Warrandice againſt the Diſponer and his Heirs, who thereby are precluded from their juſt and lawful Defences. And yet in all Summonds, intending to an Eviction which I drew, I not only conveened the Heretor in Poſſeſſion, but alſo his Author; and that becauſe of the abſolute Warrandice, and made a ſhorter Proceſs: for when the Action comes in by the courſe of the Roll, the Defender will crave an Incident for the Writs if in his Authors hands; and if the Author be not Cited, will prove a delay until cited, if not caſt the Proceſs.*

LETTERS of Publication of an Interdiction.

CHARLES, *&c.* To —— Meſſengers, *&c.* meaned and ſhown to us by *A.B.* of ---, *C.D.* of ---, M. *J.B.* of ---, *VV. H.* and *J. M.* Merchant Burgeſs of --, and *M.L.* Maſon, Burgeſs of --, & *VV.L.* Wright, Burgeſs there; That where *T. VV.* eldeſt lawful Son and Heir to the deceaſt *T. VV.* of ---, by his Letter of Interdiction and Obligation, ſubſcribed with his hand, of the date the —— day of —— laſt by paſt, (for the Cauſes and upon the Conſiderations therein ſpecified) and for the preſervation of his Fortune and Eſtate, Interdicted himſelf during all the days of his life-time, to the ſaids Complainers as his Friends, Relations, and in whom he had entire confidence, and any three of them on life for the time, appointed a *Quorum*; and without whoſe conſents or *Quorum* foreſaid, he Bound and Obliged him not to Sell, Annalzie, Wodſet, Diſpone, Dilapidat, nor put away any of his Lands, Heretages, Tenements, Annualrents, Milns, Woods, Fiſhings, Tacks, Steedings, Rooms, Poſſeſſions, Heretable Bonds, Tacks and Rights of Teinds and Prorogations thereof, Reverſions, Appryſings, Adjudications, or others pertaining or belonging to him; nor make no privat nor publick Alienations, Diſpoſitions, Wodſets, Aſſignations, Reſignations, Renunciations, nor no other Rights nor Securities thereof; nor to Contract nor take on Debt, or yet grant Bonds or any other Security therefore; nor do no other Fact nor Deed directly or indirectly in any ſort, whereby the Right of his ſaids Lands and Heretages, or others foreſaids

ſaids, might be any ways Evicted, Adjudged or Appryſed from him, to the prejudice of himſelf, but continued entire as formerly, and declared all ſuch Deeds if any were, to be void, Null, and of no force, ſtrength or effect in themſelves, ſicklike, in the ſame manner, and als fully and freely in all reſpects, and to all Intents and purpoſes, as if the ſame had never been made, granted and ſubſcribed: and willing and proteſting, That the ſaid Letter of Interdiction and Obligation above-ſpecified, might be duely publiſhed, and that in moſt due and competent Form, as the ſame of the date foreſaid, Inſert and Regiſtrat in the Books of Council and Seſſion, and a Decreet of the Lords thereof Interponed thereto, upon the — day of — alſo laſt by paſt, ſhowen to the ſaids Lords has teſtified. Notwithſtanding whereof, the ſaid *T. W.* through the facility and weakneſs of his Nature, Judgement and Underſtanding, is led away by evil Company, who not only Debauch him as to his perſon, and by their Converſe, expoſe him to great, vaſt, extraordinary, ſuperfluous, and unneceſſary Expenſes, by night and day; but alſo as the ſaids Complainers are informed, he intends to Sell, Annalzie, Wodſet, Diſpone, Reſign, Renounce, Dilapidat, and put away, all and ſundry his Lands, Heretages, Tennents, Annualrents, Milns, Woods, Fiſhings, Tacks, Steadings, Rooms, Poſſeſſions, Heretable Bonds, Appryſings, Adjudications, Reverſions, legal and conventional Tacks and Rights of Teinds and Prorogations thereof, and others pertaining and belonging to him, and whereunto he may ſucceed as Heir to, or otherways having Right from his ſaid deceaſt Father, & to make privat and publick Alienations, Diſpoſitions, Wodſets, Aſſignations, Reſignations, Renunciations, and other Rights and Securities thereof, to ſome perſon or perſons, and to Contract and take on Debts, and to grant Bonds and other Rights and Securities therefore, and to do ſeveral other Facts and Deeds, whereby the Right of the ſaids Lands and others foreſaids, may be Appryſed, Adjudged, or otherways evicted from him, in Defraud, hurt and prejudice of himſelf, and contrare to the ſaids Letters of Interdiction, and entire Truſt and Confidence thereby, Repoſed by him in the ſaids Complainers their perſon, without Remeid be provided thereto as is alledged. *Our Will is herefore*, and we Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen ye paſs, and in our Name and Authority, Inhibit and Diſcharge the ſaid *T. W.* perſonally, or at his dwelling place, that he on no ways Sell, Annalzie, Wodſet, Diſpone, Reſign, Renounce, Dilapidat, nor put away any of his Lands, Heretages, Annualrents, Liferents, Reverſions, Milns, Woods, Fiſhings, Tacks, Steidings, Rooms, Poſſeſſions, or others foreſaids, pertaining and belonging to him, or whereunto he may ſucceed as Heir to, or has Right from his ſaid deceaſt Father in manner foreſaid; nor make no privat nor publick Alienations, Diſpoſitions, Wodſets, Aſſignations, Reſignations, Renounciations or other Rights and Securities thereof, to no perſon or perſons, nor Contract nor take on Debt, nor grant no Bond or other Security therefore, nor do no other Fact nor Deed directly nor indirectly in any ſort, whereby the Right of the ſaids Lands and others foreſaids, may be any ways Appryſed, Adjudged, or otherways evicted from him in any ſort, in Defraud, hurt and prejudice of the ſaid *T. W.* himſelf, or of the ſaids Complainers to whom he has Interdicted and Obliged himſelf as ſaid is, anent the Implement and fulfilling to them of the ſaid Letter of Interdiction and Obligation aforeſaid, made by him to them in manner, for the Cauſes and upon the Conſiderations above, and therein particularly expreſt. And ſicklike, That ye in our Name and Authority foreſaid, paſs to the Mercat-croſs of — and other places needful, and there after three ſeveral Oyeſſes, open Proclamation and publick Reading of thir our Letters thereat, and thereupon make due and lawful Publication of the ſaid Letter of Interdiction and Obligation foreſaid therein contained, to all and ſundry our Leiges, and

others whom it effeirs, Inhibiting and diſcharging them, That they on no ways preſume, nor take upon hand under whatſomever colour or pretext, to buy, Block, take or receive in Wodſet Mail, Mail-free, or otherways frae the ſaid *T. W.* any of his Lands, Heretages, Annualrents, Liferents, Reverſions, or others foreſaids, pertaining and belonging to him, or whereunto he may ſucceed as Heir to, or has Right from his ſaid deceaſt Father in manner foreſaid; nor receive from him any Alienations, Diſpoſitions, Wodſets, Aſſignations, Reſignations, Renounciations, or other Rights or Securities thereof; nor lend to him any Sums of Money, or receive from him any Bonds, Obligations, or other Rights or Securities therefore: With certification to them if they failzie, the ſame ſhall be null, and of none avail, force, ſtrength nor effect, with all that has followed, or may follow thereupon; and ſhall make no faith in Judgement, nor outwith the ſame in time coming: and that ye cauſe Regiſtrat thir our Letters, with the Executions thereof, within 40 days, Conform to the Act of Parliament, According to Juſtice becauſe the Lords have ſeen, (*here take in the becauſe, on the back of the Bill, and then ſay*) as ye will anſwer to us thereupon, *&c. And let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *I have never ſeen Arreſtment in ſuch Letters, and yet I know no reaſon, but it might be; for a perſon Interdicted, may have moveable Bonds and Debts, Pleniſhing, ready Money and the like: againſt which, (albeit conſiderable and of a great value, (yea ſurmounting the real Intereſt) Inhibitions upon Interdictions, cannot Militat or Operat: but ſince I have not ſeen them practiſed, I will not meddle with Novelties; nor doubt I but the Lords in Juſtice (and upon Application) would grant ſuch.*

HORNING and Poynding upon an Act of the Lords, modifying a certain Sum to a Purſuer, in a Proceſs pendente lite.

CHARLES, *&c.* To —— Meſſengers, *&c.* Greeting; Forſuameikle as, our Lords of Council and Seſſion, by their Act of the date the—— day of —laſt bypaſt, making mention, that *A. B.* of—— by his Supplication tendered to them repreſented, that his Eſtate being Appryſed and Adjudged at the Inſtance of *C. D.* of — and W. M. of ——— his Creditors, for Debts he owed them, and they having by vertue of their Appryſings and Adjudications, aud Infeftments following thereupon, and Decreets of Mails and Duties obtained accordingly againſt his Tennents entered to the Actual Poſſeſſion, they by their Intromiſſions, they either had or ſhould have had (haveing debarred the ſaid *A. B.* from managing of his Eſtate, and intrometting with the Rents and Caſualities thereof thir ſeveral years bygone) are more than ſatisfied of the juſt Sums due to them, or which in Law they may acclaim, and the Legal not yet expyred, and yet refuſe to adjuſt matters with him in a freindly way, whereupon the ſaid *A. B.* was neceſſitat to commenſe an Action of Compt and Reckoning againſt them before the ſaids Lords, in the Month of —— —— years, and which has been depending all this time, and now after Probation led as to the Rents and Caſualities, the Matter lyes at *aviſandum*, and muſt bide the courſe of the Roll; and in reſpect the Probation is clear, and that his ſaids Creditors will be found more than ſatisfied, and that upon a former Supplication, the Lords ſequeſtrat the Rents, and appointed *T. H.* to be Fac-

or

or, and Comptable to thoſe found to have Right *in eventu*, and that now the Petitioners Circumſtances are ſuch (having lyn ſo long out of his Eſtate) that he has no Subſiſtance for himſelf or Family, beſides Money wherewith to attend and proſecute the ſaid Compt and Reckoning, and have a Period put thereto, and therefore humbly craving, that the ſaids Lords would modife an Aliment for him until the Event of the ſaid Plea, and to ordain the ſaid Factor to pay the ſame: Which Petition being taken to Conſideration by the ſaids Lords, and having heard both Parties thereanent, they have modified to the Petitioner the Sum of ——— *ſcots* Money yearly, during the ſaid ſpace, and ordained the ſaid Factor to pay the ſame each ſix Months, whereof the one half for the firſt ſix Months to be payed within ——— days, and ſo furth thereafter during the ſpace above mentioned, as the ſaid Act of the date the foreſaid, ordaining thir our Letters to be direct thereupon, at the inſtance of the ſaid *A. B.* againſt the ſaid Factor, in manner, and to the effect after-ſpecified, at more length preports. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *T. H.* perſonally, or at his dwelling-place, to make payment to the ſaid *A. B.* of the Sum of ---- for the firſt ſix Months, (whereof the day of payment is already come and bygone) and to make payment of the like Sum each ſix Months in time-coming, during the ſpace above-ſpecified (the day of payment of the ſame being firſt come and gone) after the Form and Tenor of the ſaid Act, in all points, within fifteen days next after the Charge, under the pain of Rebellion, and putting of him to our Horn, *After this follow furth the Stile of an ordinary Horning* (*but without Poynding, and then ſay*) according to Juſtice as ye will anſwer, *&c. and let the date of the Act be the date of the Letters*, and conclude with

Per Actum Dominorum Concilii.

Nota, *The Reaſon why Poynding is not inſert is, the Factor is not conveened, and he may be exhauſted before the Charge, and Poynding in that caſe is ſummar Execution.*

LETTERS of Horning and Poynding at an apparent Heirs Inſtance againſt the Liferentrix for payment of the Aliment, determined to him by the Lords.

CHARLES, *&c.* To —— Meſſengers, *&c.* Greeting: Forſuameikle as *A. B.* eldeſt lawful Son and apperand Heir to the deceaſt *J. B.* of —— by his Supplication (tendered to our Lords of Council and Seſſion) repreſented to them, that as he was apperand Heir, ſo he had no Benefite, yea not ſubſiſtance of his Fathers Eſtate (Liferents of ——*G. D.* his Mother, and of *S. S.* his Grand mother, with the Annurlrents of the Debts due thereupon, and publick Burdens conſidered) in ſo far as the Eſtate conſiſted only of —— Victual Rent, and —— money Rent, whereof the Mother liferented —— of the ſaid Victual Rent, and —— of the ſaid Money Rent, and the Grand-mother liferented —— of the Victual Rent, and —— of the Money Rent, and the Debts being —— the Annualrents thereof amount to —— yearly, ſo that the Eſtate is exhauſted, except as to —— Chalders, which being ſold according to the Feirs of the years in the Shire of ——, where the ſaid Eſtate lyes, there remains no more but —— of free Rent, which is exhauſted yearly by publick Burdens, and therefore conform to the Laws and Practique of the Kingdom, and of GOD and Nature, craving an Aliment of the ſaids Liferenters, according to his Degree and Quality; And the ſaid Petition being taken to Conſi-

detation by the ſaids Lords, they after hearing of Parties and their Procurators, by their Act of the date of thir preſents, modified and appointed an Aliment of --- Victual and --- Money Rent yearly to the ſaid Supplicant, whereof --- Victual, and --- Money by the Mother, and --- Victual, and --- Money by the Grand-mother, yearly in time coming during their reſpective lifetimes, beginning the firſt years payment of the ſaid Victual Rent, according to the quality thereof payable furth of the ſaid Eſtate, being two part Bear, and third part Oat-Meal, betwixt *Yule* and *Candlemaſs* next for this inſtant Cropt, and the firſt years payment of the ſaid Money Rent at the Term of --- next to come, alſo for this inſtant Cropt and year, and ſo furth yearly thereafter during their reſpective Lifetimes; And *Decerned* and Ordained the ſaid *G. D.* the Mother, and the ſaid *S. S.* the Grand-mother, to make payment thereof to the ſaid *A. B.* accordingly as the ſaid Act of the date foreſaid, ordaining thir our Letters to be direct thereupon, in manner after-ſpecified, at more length proports. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaids *G. D.* the Mother, and *S. S.* the Grand-mother perſonally, or at their dwelling-places, to make payment to the ſaid *A. B.* apperand Heir foreſaid, of the ſaid Victual of the quality above-ſpecified, and Money-Rent above-mentioned, yearly in time coming during their ſaids reſpective Lifetimes (the Terms of payment of the ſame being firſt come and bygone) after the Form and Tenor of the ſaid Act, in all Points, within fifteen days next after they be charged by you thereto, under the pain of Rebellion, and putting of them to our Horn, (*after this follow furth the Stile of an ordinary Horning and Poynding, only when ye come to theſe words after the Poynding*, viz. To the Avail and Quantity, *ſay*, of the ſaid liquidat Sums, *and then ſay*, according to Juſtice as ye will anſwer, *&c. and let the date of the Act be the date of the Letters*, and conclude with

Per Actum Dominorum Concilii.

Nota, *Seldom comes in before the Lords Aliments of this kind ſummarly, without it be acceſſary to a Proceſs commenſed by the Liferenters themſelves, or by the appearent Heir, and ye will find amongſt the Summonds, a Summonds of Aliment at the inſtance of the apperand Heir, againſt the Liferenters, upon the grounds aforeſaid, and the Lords determine therein as they find juſt, and upon this Decreet Horning and Poynding may be raiſed* Mutatis mutandis.

Nota, *The Secret Council at times (but ſeldom) modifie and determine Aliments to Minors and apperand Heirs, and at times give Aliments to Ladies and Gentle-women, who have improvident Husbands, and probably cannot live in Wedlock with ſafety, upon which Acts or Decreets of Council (which always proceed upon Citations) the Council Clerks write Letters, but what ever done by the Lords of Seſſion paſs the Signet, and Writers thereto are only priviledged to write Letters thereon.*

Nota, *At times when any Eſtate is involved in Debt, and in effect inſuperable, yea when the very Husband is alive, and ſpecially when the Husband is Fiar, and the Father who involved the Son is alſo alive, the Wife of the Fiar gets an Aliment from the Lords, having brought a conſiderable Portion with her, even albeit the Creditors oppoſe it, and upon this Act of the Lords, Letters paſs the Signet.*

Nota,

Nota, *Where Lands fall Ward to his Majeſty, or any other Baron within this Realm, Spiritual or Temporal, or Lands given in conjunct Infeftment or Liferent, as well to Burgh as to Land, the Sheriff of the Shire or Baillies may take Soverty of them, not to waſte or Deſtroy their Biggings, Orchards, Woods, Stanks, Parks, Meadows or Dove-coats, but that they hold them in ſicklike kind as they are the time they get and receive the ſame*, K. Ja. the Fourth, Parliament the Third, Cap. 25. *And which the Sheriffs or Baillies uſually do perform, but ſhould they refuſe, Letters may be raiſed againſt them for that effect, with Certification Horning will be direct, and I have ſeen them but ſeldom.*

Nota, *Letters of Caption may follow on the former Hornings, as well as in other Hornings, which being eaſie are omitted.*

LETTERS of Sequeſtration of Corns growing in new Improvement or Cultivation of a peice Commonty by a neighbour Heretor, to the prejudice of the other Heretors.

CHARLES, *&c.* To --- Meſſengers, *&c.* meaned and ſhown to Us, by *A. B.* of --- That where the ſaid Complainer ſtands heretably Infeft and ſeaſed in all and haill the Lands of --- with Houſes, Biggings, Yards, Moſſes, Muirs, Maraſhes, Meadows, Graſs and Paſturages, Out-ſets, In-ſets, Commonties, Parts, Pendicles, and univerſal Pertinents thereof, lying within the Parochin of — and Sheriffdom of — as the Inſtrument of Seaſin granted to him thereupon the --- day of--- --- years, duely Regiſtrat conform to the Act of Parliament, Shown to our Lords of Council and Seſſion has teſtified, Notwithſtanding whereof, and of his Poſſeſſion of ——— (as the indoubted Commonty of the ſaids Lands) by paſturing and Hearding of his Cattel and Goods thereupon, Caſting, Winning, Leading, and away taking Fewel, Foggage, Faill and Divot furth thereof, and doing and performing all other Deeds of Commonty (of the Law requiſit and neceſſar) within the ſaids Bounds, *C. D.* of —— next adjacent Heretor, has within thir —— Months (at his own hand, and but any Order of Law) not only incloſed a great part of the ſaid Commonty, but alſo has Riven in, and brought the ſame to the Perfection of arrable Land, and in effect ſowen Corns thereon, and in due time reſolves to Shear, Stouck, Stack, Lead and away-take the ſaids Corns, and diſpoſe thereupon, thereby not only debarring and excluding the Complainer from ſo much of his Commonty, but alſo to inhance the ſame to himſelf in Property for ever, to the Complainers great hurt and prejudice, without Remeed be provided thereto, as is alledged. *Our will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Shear, Stouck and Stack the ſaids Corns, and ſequeſtrat the ſame upon the very ground, lately Riven in and incloſed (and where they now grow) there to remain ſo ſtaked, ay and while the point of Right as to the ſaid Ground (and to whom the ſame belongs) be firſt tryed and decided by our ſaids Lords of Council and Seſſion, according to Juſtice (ſo being the ſame be the firſt year) becauſe the Lords have ſeen the Seaſin above-written, as ye will anſwer to us thereupon, *&c. and let the date of the Bill be the date of the Letters*, and conclude with

Ex Deliberatione Dominorum Concilii.

Nota, *Such Letters were in use, but* Alexander Lesly *writer to his Majesties Signet (a Man abundantly qualified in his Station) having written such Letters, and being put in execution, the Person (whose Corns were sequestrat) petitioned the Lords, and therein complained of the Writer, and represented, that such were in desuetude, and craved no less than Redress and Deposition; And this Petition being seen by* Mr. Lesly, *his difficulty was to make it appear that such were in use within Prescription, albeit a Stile of these was within his own Book, whereupon I fortunatly had by me one of these Letters, subscribed by* John Gilmor *writer to the Signet, and written by* Mr. John Gilmor *his Son (afterwards Sir* John Gilmor, *and then President) and three or four Months within Prescription, which being produced before the Lords,* Alexander Lesly *was assoilzied, and I only set them down to make appear they were, but not to be practised, since the subject matter falls under the cognizance of the Sheriff, by way of Cognition, by vertue of Letters from the* Lords, *(whereof there is a Stile set down) or by way of Declarator of Property and Commonty, before the Lords themselves, whereof also there is a Stile to be found amongst the Summonds 3d.* Part.

Observe, that all Letters *before the* Lord Justice General, Lords of Justiciary, *and* Letters *upon Acts of the Thesaury and Exchequer (yea Summonds of Treason before the Parliament when pursued there) and Reductions of Forefaltures, or other Sentences of Parliament, pass the* Signet, *and Writers to the Signet subscribe them, albeit they be consulted, and written to their Hand except as to the Stile.*

Nota, *There be Incidents (commonly called incident Diligence) upon Acts of* Litis-contestation *before the* Lords, *for Exhibition of Writs founded upon by the Pursuer or Defender, as a Point found relevant which pass the* Signet, *but since Clerks of Session write them for the most part, albeit Writers to the* Signet *subscribe them, I omit such.*

ADVOCATION (even of a Point of Neighbourhood) from the Dean of Gild of Edinburgh *to the Lords, where the subject matter contraverted was in the* Cannongate, *Holden of the Good-Town of* Edinburgh *Feu, but not of the King Burgage.*

CHARLES, &c. To —— Messengers, *&c.* Meant and shown to Us by *D H.* of ——; That where the Deacon and Box-master of the *Shoemakers* of the *Cannongate* (for themselves, and as representing their Fraternity) have upon their pretended manner, called and conveened the Complainer before the Dean of Gild of *Edinburgh*, and his Council, to have Jedge any Warrand, for pulling down not only an old House belonging to the said Shoe-makers, adjacent to a Tenement of Land belonging heretably to the Complainer, and for rebuilding the same, but also to have the liberty to affix, and put in Chimneys in the Gavel of the Complainers Tenement, pretending the same to be a common Gavel betwixt both, and wherein the said Dean of Gild and his Council intend to proceed; and pronunce Decreet and Sentence condemnator againſt him, and to allow to the saids Shoe-makers (The Pursuers) a priviledge of the said Gavel, either by pulling down the same, or affixing Chimneys therein on their own side, albeit the said Dean of Gild and his Council be no ways Judges competent in the said matter, for the Reasons and Causes

ſes following. *In the firſt*, Becauſe by the Laws and Acts of Parliament of this Kingdom (where the ſubject matter contraverted) dipps and depends upon heretable Rights and Infeftments, our Lords of Council and Seſſion (and no inferior Judges whatſomever) are only Judges competent; But ſo it is, that the ſubject matter now contravened conſiſts in Property, in ſo far as the Complainer and his Authors and Predeceſſors ſtand heretably Infeft and Seiſed in the ſaid Tenement, to the Weſt of the ſaid Purſuers their Tenement, holden of old of the Barons of *Brughtown* (and now of the Good-Town *cum muris & murenis*, by the ſpace of three hundred years, as the Complainers Infeſments bearing theſe words *per expreſſum*, in the *Tenendas* ſhown to the ſaids Lords have teſtified; And which words in good Grammer import, *with walls and Gavels*, the Gavel being that which cements the ſide-walls together, ſo that there is nothing more clear and apparent, than that the ſaid Gavel appertains and belongs to him in Property, and wherein the Purſuers can have no Communication or Property. *Secondly*, The ſaid Dean of Gild and his Council proceed in the ſaid matter upon a great Miſtake, not only in ſuſtaining themſelves Judges competent, but alſo that the Purſuers their having a Catton Clay Chimney in the Eaſt ſide of the ſaid Gavel, not in the Gavel it ſelf, but leaning thereto, gives them a Property in the Gavel, whereas in pure Law, and by the Acts of Parliament of this Kingdom, (and even by the very Conſtitution of that Court) the priviledge of the Gildrey cannot exceed (but is confined to) the Burgage, but no ways can extend it ſelf beyond the ſame, or to Lands and Marches out-with the ſame acquired by the Good Town, the Rights and Marches whereof can no more be diſcuſt, either by the Town or Gildrey, than formerly by the Barons of *Brughtoun*, *ab antiquo* Superiors; And which Barons, albeit they had power to Feu, and with ſuch and ſuch Marches, as at the time were concerted, and eſtabliſhed by Infeftments, yet once ſo eſtabliſhed, they were no more Judges of thoſe Infeftments and Priviledges and Marches thereby given and conveyed to the Acquirer of the Feu, but ought to be Decided by our ſaids Lords, as only Judges competent and unſuſpect thereto, and if the Barons who originally gave out the Feu could not judge upon theſe Feues, no more thoſe that came in Vice by Acquiſition of the Superiority, and *multo minus* the Dean of Gild and his Council, who can have no pretence thereto, not being within the verge & Compaſs of that called Burgage as ſaid is; And as for that ſimple pretence of giving a Propriety of the ſaid Gavel to the Purſuers, upon no other accompt, but becauſe they had a Clay Chimney joyned to it on the Eaſt-ſide (yea, were the ſaid Dean of Gild and his Council Judges competent, as they are not) the ſame were a rare Paradox, for what if a Nobleman or a Gentleman ſhould build his Caſtel, or Manner-place upon the very edge, or Confines of his March, to which the next adjacent Neighbour, and upon his own Land ſhould build a little Houſe, and joyn the ſame to the ſaid Caſtle, would that give him ſuch a Property in the Wall of the Caſtle to which his Houſe leans, as to make Chimneys and Vents therein, is a thing that cannot be aſſerted, and were an Act of moſt dangerous preparative, and *in auditum*, and ſo our ſaids Lords may evidently perceive how wrongouſly and injuſtly the ſaid Dean of Gild and his Council intend to proceed in the ſaid Matter, and give furth Sentence therein, by all Law, Equity and Reaſon, and therefore the foreſaid Action and Cauſe, ought and ſhould be Advocat from the ſaid Dean of Gild and his Council, and all other inferior Judges to the ſaids Lords themſelves, as only Judges competent and unſuſpect thereto in time coming, for the Reaſons and Cauſes foreſaids, and others as is alledged. *Our Will is herefore*, and we Charge you, that ye lawfully Summond, Warn and Charge, the ſaid Dean of Gild and his Council, before whom the ſaid Matter depends, and their Clerk of Court, and the ſaid Deacon and Box-maiter for themſelves, and

as repreſenting their Fraternity Purſuers for their Intereſt perſonally, or at their dwelling-places, to compear, *&c.* (*after this follow furth the Stile of the former Advocation* uſque ad finem, *only the Deliverance of the Bill muſt rule the day of Compeirance, and the other day to which advocated, and the Judge in the former, ye muſt call him* Dean of Gild and his Council; *And let the date of the Bill be the date of the Letters*, and conclude with

Ex deliberatione Dominorum Concilii.

Nota, (*after Debate*) *the Lords paſt the Bill, and was exped the Signet, and when it came in in courſe, the Lords* (*after a litigious Debate*) *remitted the Matter back to the Dean of Gild and his Council, but with this Caveat*, to decide according to the Parties Rights and Infeftments, *which clearly ſhew what the Lords intended, had they advocat the Cauſe to themſelves, which the* Shoe-makers *perceiving, would not put it to the Tutch, but acquired the Complainers Tenement, and ſo put the Gavel out of queſtion, and now have of both Tenements reired up a brave Fabrick and Structure, both pleaſant and profitable.*

LETTERS of Inhibition at the inſtance of a Husband againſt his Wife, ſeldom uſed in this Kingdom, and when, in an extraordinary caſe, and upon great Provocations.

CHARLES, &c. To —— Meſſengers, *&c.* meaned and ſhown to us by our Lovit, *J. S.* of *A.* That where the ſaid Complainer was upon the —— day of —— —— years, lawfully Married in face of the Holy Kirk, and in preſence of famous Witneſſes, to *A. S.* Relict of the deceaſt ——, and accordingly entered home to his Family, and they cohabit together as Husband and Wife for divers Months, and he gave her the Truſt and Cuſtody of all within the Houſe, and Utenſils (and in effect what elſe belonged to him) hoping without the leaſt doubt, ſuſpition or fear, that through the Experience ſhe had in her firſt Husbands time, and the entire confidence he repoſed in her, as his lawful Wife (and to whom ſhe was ſworn in Wedlock) ſhe would improve all to the beſt for the good of both, and their Family, but whether of her ſelf, or by evil Council he knows not, ſhe (having ſhaken off all fear of God, and that natural Affection ſhe owed the Complainer her Husband) not only granted Bonds for conſiderable Sums, without his knowledge or conſent, to divers perſons, thinking thereby his Eſtate might be affected therewith, but when ſhe found, and was informed the ſame would not ſubſiſt in Law, ſhe betook her ſelf to a deſolate and idle kind of Life, going up and down amongſt ſome of her Friends and Children of the firſt Marriage, and other perſons of meaner Quality, thereby deſerting his Family and Government thereof proper for a dutifull Wife, yea when in Family with the Complainer, imbazled, gave away and diſpoſed of a great part of his Inſight, and Pleniſhing, and a part of his Utenſils, and when abſent, gifted and diſpoſed upon the Rents of the Lands liferented by her, by her Contract of Marriage, with, and Infeftment from her firſt Husband, and which belonged to the Complainer *Jure Mariti*, and in effect has alſo diſpoſed upon his Cows, Sheep, & other Beaſtial he had a graſing remote from his Reſidence, with their Milkneſs and other excreſcent Profits, and not ſatisfied therewith, ſhe daily and continually contracts and takes on Debts, Abulziements, Fiſh, Fleſh, and ſeveral other things in great quantity, and to a great value, and that from all perſons with whom ſhe may have the leaſt favour

vour or Credit, either upon Bond, Ticket, subscribed Accompt, or promise of payment, as she may best prevail with them, and all out of design to burden and affect the said Complainer and his Fortune and Estate therewith, and were it possible, and in her Power to ruine both, to the Complainers great Grief and Disatisfaction, who as he received her at first, and after Marriage home to his Family as his lawful Wife, so was willing to Cherish and Entertain her therein according to his power, and yet, and after many Essays cannot be prevailed with to return home, and be reclaimed from such godless and unnatural Acts, but intends to persist and continue therein, to the said Complainer his great Hurt and Prejudice, without Remeid be provided thereto, as is alledged. *Our Will is herefore*, and we Charge you straitly, and Command, that incontinent thir our Letters seen, ye pass, and in our Name and Authority, Inhibit and Discharge the said *A. S* Spouse to the said Complainer personally, or at her dwelling place, that she on no ways Sell, Annalzie, give in Pledge or Gift, Dispone, Dilapidat, nor put away any of the said Complainer (her Husbands) Goods, Gear, Sums of Money, Corns, Cattel, Insight, Plenishing, Abulziements, nor others pertaining and belonging to him or her, either within or without his dwelling-house, nor contract any Debts with any person or persons whatsoever, by Bond, Ticket, Accompt, promise of payment or otherways, to the hurt and prejudice of the said Complainer (her Husband) or whereby his Person, Lands or Estate, Real or Personal may be any ways troubled, distressed, affected or evicted in any sort; And sicklike, that ye in our Name and Authority foresaid, Inhibit and Discharge all and sundry our Leidges, and others whom it effeirs, by open Proclomation at the Mercat-Cross of —— and other places needful, that they nor none of them, directly nor indirectly presume, or take upon hand (under whatsoever Colour or pretext) to Buy, Block, Take or Receive in Pledge, Gift- for Money, or otherways from the said *A. S.* Spouse to the said Complainer, any Goods, Gear, Corns, Cattel, Insight, Plenishing, Abulziements, or others whatsoever pertaining to her or to the said Complainer her Husband, either within or outwith his dwelling house; nor yet to give or Advance to her Sums of Money, Abuilzeiments, Goods, Gear, or other Furnishing whatsoever, upon Bond, Pledge, Credit, or otherways in time coming, without the said Complainer his special Knowledge, Advice, License and Consent first had and obtained thereto, Certifying all them that do in the contrair, that all such Buying, Blocking, Gifting or Impignorating, and all Bonds and other Securities to be granted therefore, shall be null and of none avail, Force, strength nor effect, with all that has followed or may follow thereupon, and shall make no faith in Judgement, nor out-with the same in time-coming, and that the said Complainer shall have good Action, Right and Interest to Claim and Repeit from them, all his Goods and Gear, which shall be bought or received by them from his said Spouse, or by her gifted to them, and that he shall be free and no ways obliged in payment to them of any Sums of Money, or any other Goods and Gear whilks shall be furnished by them to her in time-coming, and that ye cause Registrat thir our Letters, with the Executions thereof within fourty Days, conform to the Act of Parliament, according to Justice, as ye will answer, *&c. (and let the date of the Bill be the date of the Letters,* and conclude with

Ex Deliberatione Dominorum Concilij.

Nota, *There was Horning and Poynding for Commissioners Fees, whether in Parliament or in Convention of Estates (I mean for Shires) at Five pound per diem, besides the like Sum for so many days coming and going, according to the distance of place: And these Letters are founded upon*

upon the Act of Parliament, and a Teſtificat from my Lord Regiſter of the day of the Sitting, and day of Adjourning or Diſſolving, and that ſuch a perſon ſerved therein as Commiſſioner for ſuch a Shire, but ſeing by a ſubſequent Act of Parliament, the like Diſtriction may be uſed for thoſe Fees, as for the King's Revennes, and at the ſight of the Commiſſioners of the Shire, few raiſe them, and yet ye may find them in the cloſe of this Part of the Work.

ADVOCATION at the Inſtance of a Donatar to a Baſtardie and ultimus Hæres, *againſt a perſon craving to be ſerved Heir to the Baſtard, thereby to preclude the Donatar.*

CHARLES, *&c.* To —— Meſſengers, *&c.* meaned and ſhown to Us by *A. B.* of ——, Donatar to the Baſtardie, or *ultimus Hæres* of the deceaſt *J. W.* Indweller in ——; That where *G. W.* Indweller there, as Brother in Law (on the Mother ſide) to Umquhile *P. VV.* Father to the Defunct, hath purchaſed and raiſed Brieves forth of our Chancellary, direct to the Magiſtrats of ——, for Serving and Cognoſcing him, neareſt and lawful Heir to the ſaid deceaſt *J. VV.* alledging that he is within Degrees of Blood to him *ex parte Matris*, and which Brieves he hath cauſed to be Proclaimed at the Mercat-croſs of ——, to be Served before the ſaids Magiſtrats upon the —— day of ——, in the hour of Cauſe: *In the which Service*, the ſaids Magiſtrats intend to proceed, receive Probation by Witneſs as to the Propinquity of Blood; and *de facto*, by vertue of their Precept or Warrand, have cauſed Summond the ſaid Witneſs, and an Inqueſt to paſs thereupon, and to Cognoſce and Determine therein, by Serving the ſaid G. W. Heir to the ſaid Defunct, and Retouring the ſame to our Chancellary accordingly, and that moſt wrongouſly and unjuſtly. *Conſidering* it is of Verity, that the Matter in hands dipping upon Property, your Lordſhips (and no inferior Judges) are only Judges competent, and unſuſpected thereto, by Act of Parliament, laudable Laws and Conſtitutions, and Practique of this Kingdom, heretofore inviolably obſerved. And as the ſaid G W. pretends to be neareſt Heir, and within Degrees of Blood to the Defunct, and conſequently by his pretended Service, Retour, Precepts and Infeftments to follow thereupon, would claim Right to the Property of all his Lands and Heretages; ſo the ſaid Complainer has Right thereto, by vertue of our Gift dated the -- day of -- laſt by paſt, as falling in our hands, and at our Royal Gift and Diſpoſition by reaſon of Baſtardy, or *ultimus Hæres*, Laws and Practique of this Kingdom, and Inherent Priviledge of our Crown, through and by the ſaid *J. VV.* his being born Baſtard, deceaſing Baſtard, without Heirs lawfully begotten of his own Body, or Diſpoſition made by him thereof in *liege pouſtie*, or by reaſon of *ultimus Hæres*, and no other perſon or perſons of the Law, allowed to ſucceed to him within Degree. Likeas the ſaid Complainer, having purſued a Declarator of the ſaid Gift before our Lords of Council and Seſſion, there was Compearance made for the ſaid G. W. and certain other Pretenders, and likeways for the Defuncts Debitors. And amongſt other Defences proponed by them, it was alledged, That the Defunct was no ways Baſtard, but begot *in legitimo Thoro*, which they offer to prove *pro ut de jure*; and likeways, that there were perſons within Degrees of Blood, who would exclude *ultimus Hæres*; whereupon our ſaids Lords, ordained the Defenders to give in a Condeſcendance to the Clerk of the Proceſs, of the Name and Deſignation of the pretended appearand Heir, and of his Relation and Propinquity of Blood to the Defunct, betwixt and the — day of —— inſtant, as the ſaid Gift, Summonds of Declarator, with the Executions thereof, together with

with the Minuts of Debate, and Interloquitor made therein, ſhowen to the ſaids Lords have teſtified. And ſicklike, the Defenders having given in a Condeſcendance in thir Terms, *viz.* the Name and Deſignation G. W. Indweller in —, whoſe Father being —, was Brother in Law to P. W. Father to the ſaid Defunct. as being Born of one Mother, to wit *B. M.* who had to her firſt Husband —, Grand-father to the perſon condeſcended upon; and to her ſecond Husband the ſaid P. W. Father to the Defunct. as the ſaid Condeſcendance alſo produced to our ſaids Lords has teſtified. By all which it may be moſt clear and apparent to our ſaids Lords, That the Relation condeſcended upon is on the Mothers ſide: and by the Law of this Kingdom, there can be no Succeſſion on the Mother ſide, as to any Heretage or Eſtate belonging to the Husband, without he had made her Fiar, which cannot be alledged: And any Propinquity in this caſe, or Relation pretended, is *ex parte Matris*; in ſo far as the ſaid *B. M.* had two Husbands as ſaid is; and betwixt her and the ſecond, was Procreat the ſaid Defunct: and he dying without Heirs, the Heirs of the ſecond Marriage failzieing, any ſuch Succeſſion can have no place: And it were rare, that the Sons of the firſt Marriage ſhould ſucceed to the ſecond Husband, without upon a more ſpecifick Head than that now pretended, and would alter the whole courſe of Succeſſion, and in effect fruſtrat and defraud Us and our Donatars, of our Caſualities diſponed to the ſaids Donatars, and is the deſign now intended. And this being a Principle in our Law, wherein inferior Judges are not well ſeen or Verſed, they ought not to proceed or Cognoſce therein, and were of moſt dangerous Conſequence; and therefore the ſaid Brieves and Service, Proceſs and Minuts made therein, and whole Procedure thereof, ought to be advocat from the ſaids Magiſtrats of —, and all other inferior Judges to the four ordinary Macers, before our Lords of Council and Seſſion, or any two of them, as Judges in that part: and becauſe of difficulty, Aſſeſſors are granted to them by the ſaids Lords in the matter in manner underwritten: And the ſaids Magiſtrats of -- & all other inferior Judges, ought and ſhould be Diſcharged from all further Proceeding thereintil in time coming, for the Reaſons and Cauſes foreſaids, and others, as is alledged. *Our Will is herefore*, and we Charge you, That ye lawfully Summond, Warn and Charge the ſaid G. W. at whoſe Inſtance the ſaid Brieves are Raiſed, and the ſaids Magiſtrats of — to whom the ſame are directed, and their Clerk of Court, and likewiſe the Witneſs and Inqueſt ſummoned to Depone therein, and paſs thereupon, perſonally, or at their dwelling-places, to Compear before the ſaids Lords, and the ſaids four Macers, or any two of them conjunctly as Judges in that part, at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of —— next to come, in the hour of Cauſe, bringing with them the ſaids Brieves, with the Claim, Acts of Court, Minuts and Proceſs of the ſaid Service, and Grounds and Warrands whereupon the ſame proceeds, to be ſeen and Conſidered by our ſaids Macers; and to hear and ſee the ſame advocat from the ſaids Magiſtrats of —, and all other inferior Judges within this Realm, to the ſaids Macers as only Judges competent to Cognoſe therein, for the Reaſons foreſaids. Attour, We and our ſaids Lords in our Name, hereby advocat the foreſaid Service, Proceſs thereof, and Procedure therein, from the ſaids Magiſtrats of —, and from all other inferior Judges within this Realm, to our ſaids Macers, or any two of them as ſaid is: *Diſcharging* hereby the ſaids Magiſtrats, and all other inferior Judges within this Kingdom, from all further Proceeding or Cognoſcing, and Determination in the ſaid Service, and of their Offices in that part in the mean time, while the — day of the ſaid Month for the Reaſons foreſaids. Likeas, We and the ſaids Lords, in reſpect ſome Difficulties may ariſe in the Matter, after Report made by the Lord Ordinar *in preſentia*, have appointed the Lords ——

(two of their own Number) to be Assessors to our said Macers in the Service above-mentioned, to the effect above-expressed, According to Justice as ye will answer, *&c. Given under our Signett at* Edinburgh, *the —— day of ——, and of our Reign the —— year,* 16--- *and --- years. Let the date of the Bill be the date of the Letters,* and then conclude with

Ex Deliberatione Dominorum Concilii.

ADVOCATION at the Instance of a person, who judges himself to be neareſt Heir to the Defunct, againſt another person pretending to be Heir.

CHARLES, *&c.* To Messengers, *&c.* Meant and shown to Us by *A. B.* fourth lawful Son to the deceast *G. B.* of ——, and immediat elder Brother to the deceast W. B. of ——, youngest lawful Son to the said deceast *G. B.* That where *J. B.* now of ——, eldest lawful Son to the said deceast *G. B.* of ——, and eldest Brother to the said deceast W. B. of ——, has upon his pretended manner, raised Brieves furth of our Chancellary, for Serving him neareſt and lawful Heir to the said deceast W. B. his youngest Brother, in all Lands, Heretages, Tenements, Annualrents, and others wherein the said W. B. died last Vest, and Seated as of Fee, at faith and peace; and which Brieves are Direct to the Sheriff of ——, who or his Deputs, intend to proceed in the said Service; and in order thereto, have caused the said Brieves to be Proclamed, cited Witness to prove the Propinquity of Blood, and likewise Summoned an Inquest to pass thereupon: and in effect by the said Inquest, intend to have the said *J. B.* now of ——, Served and Cognosced neareſt and lawful Heir to the said deceast W. B. his youngest Brother, and to Retour the same accordingly to our Chancellary; that thereupon Precepts may be Direct furth thereof under our quarter Seal, to the said Sheriff, and the said *J. B.* by him or his Deputs, Infeft in the said Lands, and others foresaids, albeit they be no ways Judges competent therein, but ought and should be advocat from them, and all other inferior Judges within this Realm, to the four ordinary Macers before our Lords of Council and Session, or any two of them conjunctly, as Sheriffs in that part of the said Sheriffdom, and as only Judges competent; and in case of difficulty, Assessors appointed to them by our said Lords of Council and Session in manner under-written. And therefore, the foresaids Brieves and Service, and haill Procedure therein, ought and should be advocat from the said Sheriff and his Deputs, to the said Macers, or any two of them as said is; and Assessors given to them for their more legal Administration therein; and the said Sheriff and his Deputs, and all other inferior Judges, discharged from all further proceeding, Cognoscing, or Determination therein in time coming, for the Reasons and Causes following. *In the first,* Because the said Sheriff & his Deputs may prove Partial, not being known or Versed in Points of Succession; and the Right of Property and Discussing thereof, is only proper to be decided by the said Lords, and the Point of Succession (when the same is debateable as to the Propinquity of Blood) by Service before the Macers, to whom the Lords in such cases appoint Assessors, and thereby expert Lawyers heard to Debate before them; and of which Benefit, the Subjects are frustrat and deprived in the Country, when Services are led before inferior Judges. *Secondly,* the Matter ought to be advocat as said is; because the Point now in hands, is, whether the eldest Brother is the person to succeed, or the Complainer who justly contends, That he being the immediat elder Brother of the Defunct, and the subject Matter contraverted being Conquest, he as immediat

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elder Brother, and not the ſaid *J. B.* the eldeſt ought to ſucceed; *nam de Jure Conqueſtus gradatim aſcendit*, and that the Defuncts Eſtate was Conqueſt by him in his own time, is beyond all queſtion and peradventure; and thereby nothing more evident to the ſaids Lords, than a clear Ground of Advocation; and the truth of the Reaſon upon which craved, will appear, by the very Rights and Infeftments of the Eſtate acquired, when produced before the ſaids Macers and their Aſſeſſors: and ſo our ſaids Lords of Council and Seſſion, may evidently perceive, how wrongouſly and unjuſtly the ſaid Sheriff and his Deputs, intend to proceed in the ſaid Service, in manner, and to the effect foreſaid, by all Law, Equity and Reaſon; and therefore the foreſaids Brieves and Service, and all further Procedure therein, ought and ſhould be advocat from the ſaid Sheriff and his Deputs, and all other inferior Judges to the ſaids four ordinary Macers, or any two of them conjunctly, as Sheriffs in that part of the ſaid Sheriffdom of —, and Aſſeſſors appointed to them in caſe of difficulty in the ſaid Matter: and the ſaid Sheriff, and all other inferior Judges and their Deputs, diſcharged from all further proceeding or Cognoſcing therein, in time coming, for the Reaſons and Cauſes foreſaids, and others as is alledged. *Our Will is herefore*, and we Charge you, That ye lawfully Summond, Warn and Charge the ſaid *J. B.* now of——, Raiſer and Procurer of the ſaids Brieves, and the ſaid Sheriff to whom direct, and his Deputs and Clerk of Court, and the Witneſs cited to prove the Propinquity of Blood, and the perſons of Inqueſt ſummoned, to paſs upon the ſaid Service, perſonally or at their dwelling-places, to Compear before our ſaids Lords of Council and Seſſion, and their ſaids Macers, the — day of — next to come, in the hour of Cauſe, bringing with them the ſaids Brieves, with the Executions thereof, Claim, Acts of Court, and Minuts of Proceſs made therein, and haill Grounds and Warrands whereupon the ſame proceeded, to be ſeen and conſidered by the ſaids Lords and Macers, and to hear and ſee the ſame advocat from the ſaid Sheriff and his Deputs, and all other inferior Judges within this Kingdom, to our ſaids Macers as only Judges competent to Cognoſce therein, for the Reaſons foreſaid and others. *Attour* We, and our ſaids Lords in our Name, have advocat, and hereby advocat the foreſaids Brieves, Serving thereof and Retouring of the ſame to our Chancellary, from the ſaid Sheriff of — and his Deputs, and from all other inferior Judges within this Realm, to our ſaids Macers, or any two of them conjunctly, as Sheriffs in that part of the ſaid Sheriffdom, and only Judges competent and unſuſpect thereto: *Diſcharging* hereby the ſaid Sheriff and his Deputs, and all other inferior Judges within this Kingdom, from all further proceeding, Cognoſcing, or giving any Determination as to the ſaids Brieves, and Serving thereof, or Retouring of the ſame, and of their Offices in that part in the mean time, whilk the — day of — the ſamine Month that the Verity be known, for the Reaſons and Cauſes aforeſaid; and becauſe of the Report made by the Lord Ordinar *in preſentia*. In relation to the ſaid Matter, we and our ſaids Lords, hereby appoint the Lords — (two of the ſaids Lords their number) to be Aſſeſſors to the ſaids Macers in the Service above-ſpecified, to the effect above mentioned, According to Juſtice as ye will anſwer, *&c. Given under our Signet at* Edinburgh, *the — day of —, and of our Reign the —— year*, 16—, and conclude with

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Nota, *the King grants Letters of Diſpenſation under the Signet, to an apparent Heir that is Minor, to ſerve inward Lands, whether ſimple or Taxt, and proceeds upon a Signature of Diſpenſation paſt in Exchequer: which Signature is in favours of another perſon than this; and to enter Heir to Father and Grand-father, and is here omittted: but you*

(two of their own Number) to be Assessors to our said Macers in the Service above-mentioned, to the effect above-expressed, According to Justice as ye will answer, *&c. Given under our Signet at* Edinburgh, *the —— day of ——, and of our Reign the —— year,* 16--- *and --- years. Let the date of the Bill be the date of the Letters,* and then conclude with

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ADVOCATION at the Instance of a person, who judges himself to be neareſt Heir to the Defunct, againſt another person pretending to be Heir.

CHARLES, *&c.* To Messengers, *&c.* Meant and shown to Us by *A. B.* fourth lawful Son to the deceast *G. B.* of ——, and immediat elder Brother to the deceast W. B. of ——, youngest lawful Son to the said deceast *G. B.* That where *J. B.* now of ——, eldest lawful Son to the said deceast *G. B.* of ——, and eldest Brother to the said deceast W. B. of ——, has upon his pretended manner, raised Brieves furth of our Chancellary, for Serving him neareſt and lawful Heir to the said deceast W. B. his youngest Brother, in all Lands, Heretages, Tenements, Annualrents, and others wherein the said W. B. died last Vest, and Seated as of Fee, at faith and peace; and which Brieves are Direct to the Sheriff of ——, who or his Deputs, intend to proceed in the said Service; and in order thereto, have caused the said Brieves to be Proclamed, cited Witness to prove the Propinquity of Blood, and likewise Summoned an Inquest to pass thereupon: and in effect by the said Inquest, intend to have the said *J. B.* now of ——, Served and Cognosced neareſt and lawful Heir to the said deceast W. B. his youngest Brother, and to Retour the same accordingly to our Chancellary, that thereupon Precepts may be Direct furth thereof under our quarter Seal, to the said Sheriff, and the said *J. B.* by him or his Deputs, Infeft in the said Lands, and others foresaids, albeit they be no ways Judges competent therein, but ought and should be advocat from them, and all other inferior Judges within this Realm, to the four ordinary Macers before our Lords of Council and Session, or any two of them conjunctly, as Sheriffs in that part of the said Sheriffdom, and as only Judges competent; and in case of difficulty, Assessors appointed to them by our said Lords of Council and Session in manner under-written. And therefore, the foresaids Brieves and Service, and haill Procedure therein, ought and should be advocat from the said Sheriff and his Deputs, to the said Macers, or any two of them as said is; and Assessors given to them for their more legal Administration therein; and the said Sheriff and his Deputs, and all other inferior Judges, discharged from all further proceeding, Cognoscing, or Determination therein in time coming, for the Reasons and Causes following. *In the first,* Because the said Sheriff & his Deputs may prove Partial, not being known or Versed in Points of Succession; and the Right of Property and Discussing thereof, is only proper to be decided by the said Lords, and the Point of Succession (when the same is debateable as to the Propinquity of Blood) by Service before the Macers, to whom the Lords in such cases appoint Assessors, and thereby expert Lawyers heard to Debate before them; and of which Benefit, the Subjects are frustrat and deprived in the Country, when Services are led before inferior Judges. *Secondly,* the Matter ought to be advocat as said is; because the Point now in hands, is, whether the eldest Brother is the person to succeed, or the Complainer who justly contends, That he being the immediat elder Brother of the Defunct, and the subject Matter contraverted being Conqueſt, he as immediat

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Ex Deliberatione Dominorum Concilii.

Nota, *the King grants Letters of Diſpenſation under the Signet, to an apparent Heir that is Minor, to ſerve inward Lands, whether ſimple or Taxt, and proceeds upon a Signature of Diſpenſation paſt in Exchequer: which Signature is in favours of another perſon than this; and to enter Heir to Father and Grand-father, and is here omittted: but you*

will find it amongſt the other Signatures, and by the Index *will be directed thereto, and I have here only placed the Letters following.*

LITERÆ DISPENSATIONIS pro Hærede (minoris ætatis) in Terris, per ſervitium Wardæ & Relivii tentis deſerviendo.

CAROLUS, &c. *Omnibus Judicibus noſtris quorum intereſt,* Salutem *ſciatis nos (cum aviſamento & conſenſu fideliſſimorum, & dilectiſſimorum noſtrorum conſanguineorum & Conciliariorum,* G. C. *de* A. *antiqui Regni noſtri,* Scotiæ *Summi Cancellarii, &c. Dominorum Commiſſionariorum pro noſtro Theſaurario, Computorum noſtrorum Rotulatorio, & Theſaurario noſtrarum firmarum novarumque noſtrarum augmentationum. Nec non cum aviſamento & Conſenſu reliquorum Dominorum, aliorumque noſtri Scaccarii, dicti Regni noſtrorum Commiſſionariorum dediſſe & conceſſiſſe, ſicuti Tenore preſentium, damus & concedimus dilecto noſtro* A. B. *de* ——, *plenam & amplam Libertatem, Warrantum, & Diſpenſationem ſeipſum procurandi, debite deſervitum & retornatum, tanquam Hæredem de mortuo* C. B. *ejus patri, in totis & integris Terris de* ----, *aliisque mentionatis in Infeofamentis. Nec non in omnibus aliis Terris, aliiſque cum pertinentiis, in quibus dictus de morturus* C. B. *ejus Pater, obiit ultimo Veſtitus & ſaſitus, ut de fœdo ad fidem, & pacem noſtram; et de nobis per ſervitum Wardæ ſimplicis ſeu taxatæ tentis, & hoc non obſtante minoritate dicti,* A. B. *Et quod dictæ terræ tenentur de nobis, per ſervitium Wardæ & Relevii. Noſque etiam cum conſenſu prædicto, diſpenſamus cum minoritate dicti* A. B. *& cum Judicibus (coram quibus ipſum deſerviri contigerit) & perſonis qui erunt ſupra Inqueſtum, & cum omnibus aliis Membris Curiæ, (pro dicto ſervitio deducendo) & Saſinæ dator, ſimili modo ac Methodo, quam ſi dictus* A. B. *annos majoritatis attigiſſet. Quocirca, cumque omnibus aliis Imperfectionibus & Objectionibus contra dictum ſervitium (ob rationem ſupra ſcriptam) objiciendis Diſpenſavimus, Tenereque preſentium, cum conſenſu antedicto ſimiliter in perpetuum Diſpenſamus.* Datum ſub Signeto noſtro *Apud, &c.*

Per Signaturam ſigno Manus, *S. D. N.* Regis ſupra ſignatam Manibuſque quorundam Dominorum, aliorumque ſui Theſaurarii & Scaccarii ſubſcriptam.

HORNING at a Cautioners Inſtance againſt the principal Debitor, upon the Clauſe of Relief, to relieve him of his Cautionry.

CHARLES, *&c.* Forſuameikle as, *A. B.* of —— as Principal, and *C. D.* of —— as Cautioner for him, by their Bond dated the —— day of —— and —— years (for the Cauſes therein-ſpecified) band and obliged them, conjunctly and ſeverally, their Heirs, Executors and Succeſſors, to have contented and payed to *M. J. B.* of —— his Heirs and Aſſigneys (ſecluding Executors) the Sum of —— *Scots* Money of Principal, with the Annualrent thereof from —— (as in the Bond) To the Term of payment under-written; and that betwixt the date foreſaid of the ſaid Bond, and the Term of —— then next to come, but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, and Annualrent after the ſaid Term, during the not payment. Likeas the ſaid *A. B.* Band and obliged him and his

his foreſaids, to warrand, ſcaith, relieve, harmleſs and skaithleſs keep the ſaid *C. D.* and his above-written, of his ſaid Cautionry, and of all coſt, skaith, damnage, intereſt, charges and expenſes they ſhould happen to ſuſtain or incur there-through thereafter, in time coming, as the ſaid Obligation of the date foreſaid (containing the ſaid Clauſe of Relief) Inſert and Regiſtrat in our Books of Council and Seſſion, and a Decreet of our Lords thereof interponed thereto, upon the day and date of thir preſents; ordainining thir our Letters to be direct thereupon, in manner underwritten at more length proports. *Our Will is herefore*, and we Charge you ſtraitly, and Command, That incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B.* principal Debitor aforeſaid, perſonally or at his dwelling-place, to Warrand, Free, Relieve, harmleſs and skaithleſs keep the ſaid *C. D.* and his foreſaids, of his ſaid Cautionry, and of all Coſt, Skaith, Damnage, Intereſt, Charges and Expenſes they have ſuſtained, or that he or his foreſaids ſhall happen to ſuſtain, or incur there-through in time coming, after the Form and Tenor of the ſaid Bond, Clauſe of Relief therein contained, and Decreet interponed thereto in all Points, within -- days (*which is to be ruled by the Bond*) next after the Charge, under the pain of Rebellion, and putting of him to our Horn, wherein if he Failzie, (the ſaids —— days being firſt come and bygone) That incontinent thereafter ye Denounce him Rebel, and put him to our Horn, and Eſcheat and Inbring all his moveable Goods and Gear to our uſe, for his Contemption and Diſobedience; and alſe that ye uſe the hail remanent Order againſt him, preſcribed by our Act of Parliament made thereanent, According to Juſtice as ye will anſwer, *&c.* *Given under our Signet at* Edinburgh *the* — *day of* ——, *and of our Reign the* --- *year*, 16--- *years.*

Per Decretum Dominorum Concilii.

Nota, *the date of the Regiſtration muſt be the date of the Letters.*

Nota, *ſome Clauſes of Relief are more extenſive, and conceived in thir Terms, to relieve the Cautioner and his, of the Cautionry at the preciſe Term in the Bond, or at any other Term or time thereafter: the Cautioner or his pleaſe als well not diſtreſt, as diſtreſt, (which indeed is the better way) For in that caſe, (whether the Creditor uſe Diligence for his Money or not, & probably out of favour to the principal Debitor) the Cautioner he may Diſtreſs for his Relief, and the Circumſtances of the principal Party may oblige him to it; and if the Relief be ſo conceived, there is no place for a Suſpenſion, upon the common reaſon, that the Cautioner is not Diſtreſt: whereas (if the Relief be not ſo conceived) the principal Party may Suſpend on that Reaſon, and the Charge will reſolve in a Libel. And if the Cautioner do not inſtruct a Diſtreſs, the Letters and Charge will Suſpend* ſimpliciter, *and the Lords may ordain the Cautioner to pay Expenſes, as being malicious.*

Nota, *no Poynding, becauſe no liquidat Sum but to relieve* ut ſupra.

CAPTION on the former Horning.

CHARLES, *&c.* To Meſſengers, *&c.* Meant and ſhowen to Us by *C. D.* of ——, That where upon the —— day of ——, *A. B.* of ——, was orderly Denounced Rebel and put to our Horn, by vertue of Letters of Horning, Raiſed, uſed and Execute againſt him, at the Inſtance of the ſaid

Complainer, for not Warranding, Freeing, Relieving, harmleſs and skaithleſs keeping the ſaid Complainer, his Heirs, Executors and Succeſſors, of his Cautionry for the ſaid *A. B.* in a Bond granted by the ſaid *A. B.* as Principal, & the ſaid Complainer as Cautioner for him, Conjunctly and ſeverally to Mr. *J. B.* of ——, his Heirs and Aſſigneys (*ſecluding Executors*) for the Sum of — *Scots* Money, of Principal — Money foreſaid of Expenſes, and Annuals of the ſaid Principal Sum, from —— to the Term of —— (*being the Term of payment therein contrined*) and thereafter during the not payment; and of all Coſt, Skeath, Damnage, Intereſt, Charges and Expenſes the ſaid Complainer has ſuſtained, or that he and his foreſaids ſhall happen to ſuſtain or incur through his ſaid Cautionry, and that conform to the Clauſe of Relief contained in the ſaid Bond conceived in favours of the ſaid Complainer and his foreſaids, dated the ſaid Bond the — day of —, and — years, Regiſtrat in our Books of Council and Seſſion, the — day of ----, as the ſaids Letters of Horning and Executions thereof duely regiſtrat, Conform to the Act of Parliament ſhown to our Lords of Council and Seſſion has teſtified. Under the Proceſs of the which Horn, the ſaid *A. B.* Rebel foreſaid, has continually layen and abidden ſenſyne; and yet dayly haunts, frequents, reſorts, and openly repairs to Kirks, Mercats: (*here follow furth the Stile of an ordinary Caption* uſque ad finem, *as Page* 11. *and let the date of the Bill be the date of the Letters*) and conclude with

Ex Deliberatione Dominorum Concilii.

SUSPENSION on the ſaid Charge and Diligence.

CHARLES, &c. Meant and ſhowen to Us by *A. B.* of ----, That where *C. D.* of ----, has upon his pretended manner Raiſed other Letters, and therewith cauſed Charge the ſaid Complainer, to Warrand, Free, Relieve, harmleſs and skaithleſs keep him, his Heirs, Executors and Succeſſors, of his Cautionry for the Complainer, in the Sum of ---- *Scots* Money of Principal, Annualrents and Expenſes, contained in a Bond granted by the ſaid Complainer as Principal, and the Charger as Cautioner for him, Conjunctly and ſeverally to *M. J. B.* of ----, his Heirs and Aſſigneys (ſecluding Executors) thereupon, of the date the ---- day of ----, ---- years; and of all Coſt, Skeath, Damnage, Intereſt, Charges and Expenſes the ſaid Charger has ſuſtained, or that he or his foreſaids ſhall happen to ſuſtain there-through in time coming, conform to the Clauſe of Relief contained in the ſaid Bond, conceived in favours of the Charger and his foreſaids, dated the ſaid Bond the ---- day of ---, --- years, Regiſtrat in our Books of Council and Seſſion, the ---- day of ---- laſt by paſt, within a certain ſhort ſpace next after the Charge, under the pain of Rebellion, and putting the ſaid Complainer to the Horn; and for alledged Diſobedience thereof, has Denounced, at leaſt intends to cauſe Denounce him thereto, and that moſt wrongouſly and unjuſtly. *Conſidering* it is of verity, that the foreſaid Charge is moſt malicious, and not the leaſt Ground in Law for it, there being no Diſtreſs, and is only done to Expoſe the Complainer to unneceſſary Trouble and Expenſe, in Suſpending and finding of Caution, and will at the Diſcuſſing, reſolve in a Libel: And there being no Diſtreſs previous to the Charge, he will be lyable to the Complainer in all his Expenſes, at the Lords of our Council and Seſſion their Modification. And ſua our ſaids Lords of Council and Seſſion, may evidently perceive, how wrongouſly and unjuſtly the ſaid Complainer is Charged, in manner, and to the effect foreſaid, by all Law, Equity and Reaſon. Nevertheleſs for Obedi-

ence,

ence, the ſaid Complainer has inſtantly found ſufficient Caution (6.) Acted in our Books of Council and Seſſion to the effect above-ſpecified, in caſe it be found by our ſaids Lords after Diſcuſſing hereof, that he ought to do the ſame; And therefore, the foreſaids Letters and Charge, haill Effect and Execution thereof, ought and ſhould be *ſimpliciter* Suſpended upon the ſaid Complainer in time coming, for the Reaſons and Cauſes foreſaids, and others *&c.* as is alledged. *Our Will is herefore*, and we Charge you, That ye lawfully Summond, Warn and Charge the ſaid *C. D.* perſonally or at his dwelling place, to Compear before our ſaids Lords of Council and Seſſion at *Edinburgh*, or where it ſhall happen them to be for the time, the —— day of ——, (*which the back of the Bill of Suſpenſion muſt rule*) in the hour of Cauſe, with Continuation of days, bringing with him the foreſaid pretended regiſtrat Bond containing the ſaid Clauſe, and Obligement of Relief, with all Letters of Horning and others raiſed thereupon, and Executions thereof, to be ſeen and conſidered by the ſaids Lords, and to hear and ſee the ſame, haill Effect and Execution thereof, and proceſs of Horning therein contained, ſimpliciter ſuſpended upon the ſaid Complainer in time coming, for the Reaſons and Cauſes foreſaids, and others, *&c.* *Attour*, We and our ſaids Lords of Council and Seſſion in our Name) have ſuſpended, and hereby ſuſpend the foreſaids Letters and Charge, haill Effect and Execution thereof, and Proceſs of Horning therein contained upon the ſaid Complainer in time-coming, for the Reaſons and Cauſes foreſaids and others, *&c.* Diſchargeing hereby all Officers and Meſſengers at Arms, from all putting of the ſaids Letters to any furder Execution againſt the ſaid Complainer, and of their Offices in that part, in the mean time while the —— day of —— (*to be ruled by the back of the Bill*) that the verity be known, according to Juſtice, becauſe *J. V.* of —— is become Cautioner for the Complainer, to the effect above-mentioned, as ye will anſwer to us thereupon, *&c.* *let the date of the Bill be the date of the Letters*, and conclude with

Ex deliberatione Dominorum Concilii.

Nota, *If the Party be denunced, or Incarcerat, there muſt be Relaxation, and a Charge to put at Liberty in both Bill and Letters, and for which ye will find a Stile page* 15 First Part.

Nota, *The Bond of Cautionry (the Stile whereof ye will find in the fifth Part of the Syſtem of Stiles) muſt contain* 20 *Merks for Eſcheat-Goods, and without which there can be no Relaxation, and far leſs a Charge to put at Liberty, in either Bill or Letters.*

HORNING at the Inſtance of a Perſon Bound principally, with an other in a Bond to the Creditor, againſt the ſaid other perſon to Relieve him of the Debt conform to the Back-bond granted thereanent.

CHARLES, *&c.* Forſuameikle as *A. B.* of —— and *C. D.* of —— by their Bond dated the —— day of —— and —— years, granted them to have borrowed and received from M. *I. B.* of —— the Sum of —— *ſcots* Money, which Sum as Principal, with the Annualrent thereof from —— to the Term of payment under-written) they band and obliged them conjunctly and ſeverally, their Heirs, Executors and Succeſſors to have contented and payed to the ſaid M. *I. B.* his Heirs and Aſſigneys (ſecluding Executors) betwixt the date foreſaid of the ſaid Bond, and the Feaſt and Term of ——,

but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, and Annualrent after the ſaid Term during the not payment; Likeas, the ſaid *A. B.* by his Back-bond, of the date of the ſaid Bond, and relative thereto; And ſubſuming that albeit the ſaid *C. D.* of —— became principal for and with him in the ſaid Bond, for ſatisfying the ſaid *M. J. B.* in point of Security; yet the Truth was, the ſaid *A. B.* got and received the whole money, and no part applyed for the uſe and behove of the ſaid *C. D.* And therefore the ſaid *A. B.* faithfully band and obliged him and his foreſaids to ſatisfie and pay the ſaid Debt, principal, Annualrents and Expenſes to the ſaid *M. J. B.* and his foreſaids, at the ſaid Term, and to Warrand, Free, Relieve Harmleſs and Skeithleſs-keep the ſaid *C. D.* and his foreſaids, of his ſaid Ingagement for, and with the ſaid *A. B.* in the ſaid Bond, and from all payment of the ſaids Sums or any part or portion thereof, and of all Coſt, Skeith, Dammage, Intereſt, Charges and Expenſes, the ſaid *C. D.* or his foreſaids ſhould happen to ſuſtain, or incur by, or through the ſaid Ingagment directly or indirectly, by whatſomever manner of way thereafter in time coming, and for that effect to retire the ſaid Bond unregiſtrat, or an ſufficient Diſcharge thereof, to the ſaid *C. D.* and his foreſaids at the ſaid Term, and that under the pain of —— money above-written, to be payed by the ſaid *A. B.* and his foreſaids to the ſaid *C. D.* and his foreſaids, in name of liquidat Penalty, in caſe of failzie, and that by and attour performance of the Premiſſes, and together therewith, as the ſaid Back-bond of the Date foreſaid, inſert and regiſtrat in our Books of Counſel and Seſſion, and an Decreet of our Lords thereof interponed thereto, upon the Day and Date of thir Preſents, ordaining thir our Letters to be direct thereupon, in manner under-written at more length proports. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority, Command and Charge the ſaid *A. B. &c.* to make payment to the ſaid M. *J. B.* and his foreſaids of the ſaid principal Sum of —— Money foreſaid, Annualls and Expenſes above-ſpecified, contained in the ſaid Bond, and to Warrand, Free, Relieve, Harmleſs and Skaithleſs keep the ſaid *C. D.* and his foreſaids thereof, and from payment of any Part or Portion of the ſame, and of all Coaſt, Skaith, Damnage, Intereſt, Charges and Expenſes, that the ſaid *C. D.* has ſuſtained, or that he or his foreſaids ſhall hereafter happen to ſuſtain, be or through his ſaid Engagement in the ſaid Bond, directly or indirectly, by whatſomever manner of way in time-coming, and for that effect, to Retire the ſaid Bond unregiſtrat, or a ſufficient Diſcharge thereof to the ſaid *C. D.* and in like manner to make payment to him of the ſaid Penalty of ——Money foreſaid, incurred by the ſaid *A. B.* through not performance of the Premiſſes, and that attour Performance, after the Form and Tenor of the ſaid Back-bond, and Decreet interponed thereto in all points, within —— days (*which is ruled by the Clauſe of Regiſtration*) next after the Charge, under the Pain of Rebellion, *&c.* (*here conclude the Stile of an ordinary Horning, but no Poynding, and then ſay,* according to Juſtice as ye will anſwer; *&c. and let the date of the Regiſtration of the Back-bond be the date of the Letters*, and conclude with

Per Decretum Dominorum Concilii.

Nota, *The Reaſon why thir Letters contain no Poynding, is, becauſe the Lords grant no ſuch for Penalties annexed to an Obligement for performing of any Deed not liquid* (as this of a Relief) *being too ſummar, and that there may be probable grounds why the Debt was not payed at the Term* (*as Arreſtments and the like*) *and differs from that of Bonds for borrowed Money, payable under Penalties which is liquid.*

Caption

CAPTION on the ſaid Horning.

CHARLES, *&c.* Meant and ſhown to us, by *C. D.* of —— That where upon the —— day of —— *A.* B. of —— was orderly denunced Rebel, and put to our Horn, by vertue of Letters of Horning, raiſed, uſed and execute againſt him, at the Inſtance of the ſaid Complainer, for not payment making to *M. J.* B. of — of the Sum of — *ſcots* Money of Principal, —— Money foreſaid of Expenſes, and Annuals of the ſaid Principal Sum, contained in a Bond granted by both of them, conjunctly and ſeverally, and as conjunct Principals, to the ſaid *M. J.* B. his Heirs and Aſſigneys (ſecluding Executors) thereupon of the date the — day of —— years, and that at the Term of — (being the Term of payment ſpecified in the ſaid Bond) and for not warranding, releiving, harmleſs and skaithleſs-keeping the ſaid *C. D.* his Heirs, Executors and Succeſſors thereof, and from payment of any Part or Portion of the ſame, and of all Coſt, Skaith, Damnage, Intereſt, Charges and Expenſes the ſaid *C. D.* has ſuſtained, or that he or his foreſaids hereafter may ſuſtain or incur, by or through his ſaid Ingagement, directly or indirectly by whatſomever manner of way in time-coming, and for that effect, for not retiring the ſaid Bond unregiſtrat, or a ſufficient Diſcharge thereof to the ſaid *C. D.* Complainer, and for not payment making to him of the Sum of —— Money foreſaid of Penalty, incurred by the ſaid *A.* B. through not doing thereof at the ſaid Term, conform to a Back-bond granted by the ſaid *A* B. to the ſaid Complainer and his foreſaids thereanent, of the date of the ſaid Bond granted by them to the ſaid *M. J.* B. and his foreſaids, and which Back-bond is Regiſtrat in the Books of Council and Seſſion, the — day of — as the ſaids Letters of Horning and Executions thereof duely Regiſtrat, conform to the Act of Parliament, ſhowen to our Lords of Council and Seſſion has teſtified; Under the Proceſs of the which Horn, the ſaid *A. B.* Rebel foreſaid has continually lyen and abidden ſenſyne, and yet dayly and continually haunts, frequents, reſorts, and openly repairs to Kirks, Mercats, *&c. here follow furth the Stile of an ordinary Caption* uſque ad finem, *and let the date of the Bill be the date of the Letters*, and conclude with.

Ex Deliberatione Dominorum Concilii.

Nota, *There may be ſuſpenſion as in the former caſe, and upon the like Reaſon, that the Party is not diſtreſt, but that will not do the turn in fine, as to this caſe, becauſe this perſon is not a Cautioner as in the former, but a conjunct Principal, and took the other Bond to relieve him at the very Term, and ſo ſhould he ſuſpend as the caſe alters, I doubt not but the Charger will get the Letters found orderly proceeded, and his Penalty to the good, and yet there are few Rules without an Exception, as if the Money were arreſted in the Debitors hands, and to pay in that caſe, not ſafe, but did the equivalent in ſuſpending for both, and finding ſufficient Caution, or rather conſigning the Money, which puts this Charger without all peradventure beyond fear or hazard, and what Lawers might plead, or the Lords decide in ſuch a ſingular caſe, I leave it to themſelves, but I ſet down the Suſpenſion.*

Suſpenſion of the ſaid Charge.

CHARLES, *&c.* Meaned and ſhown to us, by *A. B.* of —— That where C. D. of —— has upon his pretended manner raiſed other Letters, and therewith cauſed charge the ſaid Complainer, to make payment to *M. I. B.* of —— of the Sum of —— *ſcots* Money of Principal —— Money foreſaid of Expenſes, and Annuals of the ſaid Principal Sum, contained in a Bond granted by the ſaid *A. B.* and the ſaid C. D. conjunctly and ſeverally to the ſaid *M. I. B.* his Heirs and Aſſigneys (ſecluding Executors) thereupon, of the date the —— day of —— years, and to Warrand, Free, Releive, Harmleſs and Skaithleſs keep the ſaid C. D. his Heirs, Executors and Succeſſors thereof, and from payment of any Part or Portion of the ſame, and of all Coſt, Skaith, Damnage, Intereſt, Charges and Expenſes he has ſuſtained, or that he or his foreſaids ſhall happen any ways to ſuſtain or incur there-through, directly or indirectly, by whatſomever manner of way in time coming, and for that effect, to retire the ſaid Bond unregiſtrat, or a ſufficient Diſcharge thereof to the ſaid C. D. and to make payment to him of the Sum of — *Money* above-written, of Penalty alledged incurred by the ſaid Complainer, for not doing thereof at the Term of — (being the Term of payment contained in the ſaid Bond) and that conform to a Back-bond of Relief, and of the date thereof granted by the ſaid Complainer to him and his foreſaids thereanent, which is Regiſtrat in the Books of Council and Seſſion, the —— day of —, and that within a certain ſhort ſpace next after the Charge under the pain of Rebellion, and putting of the ſaid Complainer to the Horn, and for alledged *Diſobedience* has denunced, at leaſt intends to cauſe *Denunce* him Rebel, and put him thereto moſt wrongouſly and unjuſtly, *Conſidering* it is of verity that as the ſaid C. D. did engage moſt kindly and friendly for the ſaid Complainer to the ſaid M. *I. B.* in the ſaid Bond, and that as Conjunct Principal for and with him, and granted the ſaid *Back*-bond of Relief, upon which he is now charged; ſo the Complainer was moſt willing to have payed the Debt, and thereby to have Relieved the Charger of this Engagment at the preciſe Term in the Bond, and *de facto* did provide the *Money*, but the ſaid M. *I. B.* being *Debitor* to *VV. B.* of —— by Bond in a greater Sum, (or at leaſt the adequat) he has Arreſted the ſame in the Complainers hands, as the Copy of Arreſtment ſhown to our Lords of Council and Seſſion has teſtified, and whereby it is evident that after Arreſtment he was not in *tuto* to pay the Mony, but when the Complainer heard that the ſaid *C. D.* was charged with Horning, he immediatly and within the days of the Charge ſuſpended for both, and conſigned the Mony in the Clerk of the Bills hands, as the ſaid Suſpenſion alſo ſhown to the ſaids Lords has teſtified, and by which Conſignation the Charger is quite beyond all Fear and Hazard, not only for the time but in *eventu*, and ſua our ſaids Lords of Council and Seſſion may evidently perceive how wrongouſly and unjuſtly the ſaid Complainer is Charged, in manner and to the Effect foreſaid, by all Law, Equity and Reaſon; Nevertheleſs for obedience, the ſaid Complainer has inſtantly found ſufficient Caution (*here take in the Stile of the former Suſpenſion from the Figure* (6) uſque ad finem) *and let the date of the* Bill (*which rules the day of compearance, and to which ſuſpended*) *be the date of the Letters*, and conclude with

Ex deliberatione Dominorum Concilii.

Noti,

Nota, *If there be neceſſity of Relaxation, or a Charge to put at Liberty, the former Obſervations upon the like, Page* 15, *will be a Rule.*

LETTERS of Arreſtment at the inſtance of a Creditor, in the hands of a perſon out-with the Kingdom for the time, that owes Money to his Debitor, being (in effect, and upon the matter) a Supplement at Edinburgh-Croſs, *and Peir of* Leith.

CHARLES, *&c.* To Meſſengers, *&c.* meant and ſhown to us, by G. D. of — That where *A.* B. of — as Principal, and C. D. of —— as Cautioner for him, by their Bond dated the — day of — — years, (for the Cauſes therein-ſpecified) band and obliged them conjunctly and ſeverally, to have contented and payed to the ſaid Complainer, his Heirs, Executors or Aſſigneys, the Sum of —— *ſcots* Money of Principal, with the Annualrent thereof from the date to the Term of payment under-written, and that betwixt and the Term of — then next to come, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, and Annualrent after the ſaid Term, during the not payment, as the ſaid Obligation of the date foreſaid, Inſert and Regiſtrat in our Books of Council and Seſſion, and a Decreet of our Lords thereof interponed thereto, upon the — day of — — years, Ordaining Letters to be direct thereupon, in manner therein-ſpecified, ſhown to our ſaids Lords has teſtified, whereupon the ſaid Complainer raiſed Letters of Horning, containing Poynding and Arreſtment of before, as the ſame alſo ſhown to the ſaids Lords has teſtified; Likeas, the ſaid Complainer by vertue of the ſaids Letters, did not only Arreſt in the hands of ſeveral perſons within the Kingdom, Sums of Money due by them to his ſaids Debitors, but alſo intends to arreſt in the hands of ſome other perſons likeways their Debitors, who are now out-with the Kingdom, and in reſpect that the ſame cannot be done by vertue of the ſaids Letters, therefore neceſſar it is for the ſaid Complainer to have thir our Letters direct at his Inſtance (in ſuppliment, and by our ſaids Lords their Deliverance) in manner, and to the effect after-ſpecified, as is alledged. *Our Will is herefore*, and we charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, (in Suppliment of the ſaids former Letters) to the Mercat-croſs of *Edinburgh*, and Peir and Shore of *Leith*, and there reſpective and ſucceſſive after others, and in our Name and Authority, Fence and Arreſt all and ſundry Goods, Gear, Debts, ſums of Money, Mails, Farms, Profits and Duties of Lands, and other moveable Goods and Gear whatſoever pertaining and belonging, or any ways reſting and addebted by whatſomever perſon or perſons out-with the Kingdom to the ſaid *A.*B. and C. D. or either of them, any manner of way, to remain under ſure Fence and Arreſtment in their hands, and at the Inſtance of the ſaid Complainer, ay and while he be compleatly ſatisfied and payed of the foreſaids ſums contained in the ſaid Bond, after the Form and Tenor thereof, Decreet interponed thereto, and Letters aforeſaid formerly raiſed thereupon, in all points, and that ye affix and leave juſt and authentick Copies of the ſaids Arreſtments, ſubſcribed with your hand, at and upon the ſaid Mercat-Croſs of *Edinburgh*, and Peir and ſhore of *Leith*, that none may pretend Ignorance, according to Juſtice, becauſe the Lords have ſeen (as on the back of the Bill) *only in place of within, ſay* above-written, *and thereafter ſay*, as ye will anſwer, *&c. and let the date of the* Bill *be the date of the Letters*, and conclude with)

Ex Deliberatione Dominorum Concilii.

Nota, *Had it been known the time of the raising of the first Letters, that any of those persons were outwith the Kingdom, I know no Reason but the Poinding of the first Letters which always carries Arrestment, might have been so written, as to have prevented this Supplement, and sure there had been no Informality or Incongruity in it, as to the Point of Stile.* Et fruſtra ſit per plura *&c.*

LETTERS in Supplement at an Heretors Inſtance, againſt a perſon outwith the Kingdom, (his Tennent) to warn him to Remove himſelf, Wife and Family, &c. from Lands or Houſes, which cannot be done in the ordinary way of Warning, as when in the Countrey.

CHARLES, *&c.* To Meſſengers *&c.* Meant and ſhown to us by *A. B.* of —— that where the ſaid Complainer ſtands heretably Infeft and Seaſed in all and haill: (*here Inſert the Lands and where they ly, and then ſay*) as the Inſtrument of Seaſin granted to him thereupon, dated the —— day of —— —— years, in it ſelf more fully proports, likeas conform thereto and Act of Parliament made anent warning of Tennents to Remove from Lands, the ſaid Complainer by vertue of his Precept of Warning Subſcribed by him thereanent, has lawfully warned *I. H.* preſent Tennent and Poſſeſſor of the ſaids Lands and others foreſaids, at his Dwelling-houſe thereon, and upon the Ground and at the Paroch Church Door, upon an *ſunday* in the Forenoon, after ſaying of the Bleſſing, in due and competent Form to Flit and Remove himſelf (6) his Wife, Bairns, Men-tenants, Servants, Corns, Cattle, Goods and Gear, forth and frae the ſaids Lands and others foreſaids, at the Feaſt and Term of *Whitſunday* next to come, and to leave the ſame then void and red, to the effect the Complainer be himſelf, his Men-tenants, Servants, and others in his Name, may then enter thereto, and peaceably Poſſeſs, Bruik, Enjoy, Labour, Manure, Set, Raiſe, Uſe, and diſpoſe thereupon, as the Complainers proper Lands and Heretage at his pleaſure in time coming, conform to his ſaid Infeftment and Act of Parliament, in all points, (7) and becauſe the ſaid *I. H.* preſent Tennant is for the time out of the Kingdom, and ſo a Warning at his Dwelling-houſe, and by vertue of the ſaid Precept not ſufficient; Therefore neceſſar it is for the ſaid Complainer to have thir our Letters (in Supplement) direct at his Inſtance againſt him, in manner and to the Effect after-ſpecified, as is alledged. *Our Will is Herefore*, and we Charge you ſtraitly and Command, that incontinent, thir our Letters ſeen, ye paſs 60 days preceeding the Term of *Whitſunday* next, to the Mercat-croſs of *Edinburgh*, and Pear and Shoar of *Leith*, and there (in Supplement of the ſaid Complainers precept of Warning, and in our Name and Authority) lawfully warn the ſaid *I. H.* preſent Tennant and Poſſeſſor of the ſaids Lands and others foreſaids, to Flit and Remove himſelf, (*here take in as is above from the figure of* (6) *till the figure of* (7) *and then ſay,*) and that ye affix and leave juſt and authentick Copies of the ſaid Warning, (Subſcribed with your hand) at the ſaid Mercat-croſs, and at and upon the ſaid Pear and Shoar of *Leith*, before famous Witneſſes, that he may not pretend Ignorance thereof, *according to Juſtice as ye will anſwer*, &c. *and let the date of the Bill be the date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

HORNING

HORNING for Commissioners Fees.

CHARLES, *&c.* To —— Messengers *&c.* Meaned and Shown to us by *D. B.* of *T.* That where by the 35 Act of our first Parliament holden at *Edinburgh* the first day of *January* 1661. (Intituled Act concerning the Election and Charges of the Commissioners from Shires to the Parliament, and for Removing the divers Debates, that formerly occured concerning the Persons who ought and should have Vote in the Election of Commissioners from the several Shires of this Kingdom to Parliament, and who are capable to be Commissioners to Parliament, and clearing thereof for the future) it is Statute, Enacted and Declared by us, with Advice and Consent of our Estates of Parliament, that beside all Heretors who hold a fourty Shilling Land of us *in capite*, that also all the Heretors, Liferenters, and Wodsetters, holding of us, and others who held their Lands formerly of the Bishops, or Abbots, and then hold of us, and whose yearly Rent doth amount to ten Chalders of Victual or an thousand Pounds, all Feu-duties being deducted, shall be and are capable to Vote in the Election of Commissioners in Parliament, and to be Elected Commissioners to Parliaments, (excepting always from the said Act, all Noblemen and their Vassals,) and it being just that those who should be chosen, and accordingly should attend us, and the Kingdoms Service in Parliaments, have Allowance for their Charges; We did therefore with Advice foresaid, Modifie and Appoint Five pounds *Scots* of dayly Allowance, to every Commissioner from any Shire, including the first and last days of the Parliament, together with eight days for their coming, and as much for their Return from the furthest Shires of *Caithnes* and *Southerland*, and proportionally at nearer distances; and that the whole Free holders, Heretors and Liferenters holding of the King and Prince, shall according to the proportion of their Lands and Rents lying within the Shire, be lyable and obliged in the payment of the said Allowance, (excepting Noblemen and their Vassals) for payment of which, all Execution of Horning, Poinding, and Quartering is to pass, as for raising of the Excise, and that according as the time and days of the Parliament shall be attested under the Clerk of Registers hands, as the said Act of Parliament sufficiently known to our Lords of Council and Session has testified; and true it is that the said Complainer as Commissioner for the Shire of —— Served in the —— Session of our —— Parliament, holden at *Edinburgh*, the —— day of —— —— years, from the said day, to the —— day of —— thereafter, and upon which day the said Parliament was, (*Here Insert the word* Adjourned *or* Dissolved, *according as it truly was, and then say*) as an Testificat under our Lord Register his hands, dated the —— day of —— Shown to the saids Lords has testified, and albeit it be of verity, that the said Complainer has oft and divers times desired and required the whole Free-holders, Heretors and Liferenters within the said Shire, (excepting Noblemen and their Vassals) holding of us and Prince, to make payment to him as Commissioner foresaid, of the said Five pound *Scots* of dayly Allowance, during the said space, as also of an proportional part of the said Allowance for coming, and as much for Return, effeiring to the distance of the place as said is, and according to the proportion of their Lands and Rents within the said Shire, and for that effect to Conveen within the Head Burgh of the Shire, and ordinary Court-place thereof at an certain day, and to set down an Stent Roll of each Persons proportion thereof, and make payment to the said Complainer of the Respective proportions accordingly; Nevertheless they

wrongouſly refuſe, poſtpone and defer to do the ſame, without they be compelled, as is alledged. *Our Will is Herefore*, and We Charge you ſtraitly, and Command, that incontinent thir our Letters ſeen, ye paſs, and in our Name and Authority Command and Charge the whole Free-holders, Heretors and Liferenters within the ſaid Shire, (excepting Noblemen and their *Vaſſals*) holding of us and Prince, perſonally or at their Dwelling-places, to Meet and Conveen within the Head Burgh of the ſaid Shire, and ordinary Court-place thereof, at an certain day to be prefixed by the Sheriff of the ſaid Shire for that Effect, aud there Set down an Stent Roll of each Perſons Proportion of the ſaid Allowance, according to their Lands and Rents within the ſame Shire, with Certification if they failzie, ſuch of them as ſhall be preſent, will Set down the ſaid Stent Roll of each Perſons proportion in manner foreſaid, and the ſame being ſua ſet down by the whole, or ſuch of them as beis preſent as ſaid is, that ye in our ſaid Name and Authority Command and Charge the ſaids whole Free-holders, Heretors and Liferenters holding of us and Prince, (exceping as is above excepted) alſo perſonally or at their Dwelling-houſe to make payment to the ſaid Complainer of the ſaid Five pounds *Scots* of Allowance dayly, during the Sitting of the ſaid Parliament, and including the firſt and laſt days, and proportionally of the like Allowance, in coming to, and returning from the ſaid Parliament, according to the diſtance of the place, ilk an of them for their own parts, to be Set down in the ſaid Stent Roll, after the Form and Tenor of the ſaid Act of Parliament, Teſtificat and Stent Roll in all Points, within Fifteen days, (*here conclude the Stile of an ordinary Horning and Poinding, onlie when you come in the* Poinding, *to theſe words to the* Avail and Quantity, *ſay of each Perſons proportion contained in the ſaid Stent Roll*, and then according to Juſtice, (*here take in the Deliverance of the Bill, and then as you will anſwer* &c. *and let the Date of the Bill be the date of the Letters.*

Ex Deliberatione Dominorum Concilii.

CAPTION For Commiſſioners Fees on the ſaid Horning.

CHARLES, *&c.* To Meſſengers *&c.* Meaned and Shown to us by *D. B* of *T.* that whereupon the —— day of —— laſt by paſt, *I. M.* of —— *W. F.* of —— *T. W.* of —— *A. M.* of —— *T. H.* of —— and *S G.* Liferentrix of the Lands of —— and *M. F.* Liferentrix of the Lands of —— *&c.* all Free-holders, Heretors, and Liferenters, holding of us and Prince within the Shire of —— were orderly Denunced Rebels, and put to our Horn, by vertue of Letters of Horning Raiſed, Uſed and Execute againſt them, at the Inſtance of the ſaid Complainer, for not payment making to him as Commiſſioner for the ſaid Shire, in manner after-ſpecified, of the Sum of Five pounds *ſcots* Money dayly, and ilk day during his Service for the ſaid Shire in the laſt Seſſion of Parliament, beginning upon the —— day of —— laſt by paſt, and ending the —— day of —— alſo laſt by paſt, and of their Proportions of the Sum of —— for his coming thereto and returning therefrom, according to the diſtance of the place, ilk an of the ſaids perſons for their own parts, according to the proportion of their Lands and Rents lying within the ſaid Shire, and as is particularly after-divided, *viz.* (*here Inſert each Perſons Proportion as in the Charge of Horning, which no doubt will be according to the Stent Roll, whether made by the whole or thoſe preſent, at the Caſt, and then ſay*) and that conform to the 35 Act of our firſt Parliament, holden at *Edinburgh*, the firſt day of *Januarie* 1661. Appointing the ſaid Allowance and Teſtificat

under

under my Lord Regiſters hand, of the ſaid Complainer, his Serving in the ſaid Seſſion of Parliament, dated the ſaid Teſtificat the — day of — and conform to the Stent Roll Set down by the whole Free-holders, Heretors and Life-renters of the ſaid Shire, at leaſt ſuch of them as were preſent, the Dyet Appointed by the Sheriff of the Shire for that Effect, dated the — day of ---- as the ſaids Letters of Horning, and Executions thereof duely Regiſtrat conform to the Act of Parliament, together with the ſaid Stent Roll, whereupon the Charge proceeded, Shown to our Lords of Council and Seſſion have teſtified, under the Proceſs of the which Horn, the fornamed Perſons Rebels above-ſpecified, have continually lyen and abidden ſenſyne, and yet dayly Haunt, Frequent, Reſort, and openly Repair to Kirks, Mercats, and other privat and publick Places and Companies, within this our Realm, as if they were free Subjects therein, and no ſuch Proceſs of Horning led and deduced againſt them in the ſaid matter, in high Contempt of us and our Authority and Laws, and in evil Example of others to Commit the like in time coming, without Remeid be provided thereto, as is alledged. *Our Will is Herefore, (here follow forth the Stile of an ordinarie Caption* uſque ad finem, *onlie after the words according to Juſtice, take in the Deliverance of the Bill of Caption, and let the date of the Bill be the date of the Letters, and conclude with*

Ex Deliberatione Dominorum Concilii.

Nota, *At times Perſons ſuſpend, but the Cauſe being obvious,* viz. *that they are not the Kings Barons, and without the Comprehenſion of the Act of Parliament as to Biſhops and Abbots Lands, or that they are injured in the Diviſion and Proportion by the Stent Roll, ſet down by a few perſons, who favouring themſelves, loaded the Suſpenders in a great deal more than their juſt Proportions, and the Suſpenders being neceſſarly abſent, the Dyet prefixed, thoſe preſent took their Advantage, whereas had the Suſpenders been in the Countrey, they would have been preſent in Obedience to the Charge, and ſeen Matters Adjuſted without Cauſe of Complaint from either Parties, and againſt which Injury in ſo great a Diſproportion (and upon which they would condeſcend) they craved Redreſs by the Lords their Juſtice and the like Reaſons, I forbear to ſet down the Stile.*

Nota, *Many more Letters might be ſet down, but would ſwell up to a great Pitch of Writing, ſo that I conclude what already ſet down to be ſufficient with this Addition and Animadverſion, that Horning and Caption may be raiſed upon any Writ obligatorie bearing* Regiſtration, *and a Conſent that Letters paſs, whether for payment of Sums, performing of Deeds, or other Cauſe whatſoever, but no Poinding unleſs for liquidat Sums, and yet Inhibition may paſs upon any Obligatory Writ, whether it bear Regiſtration or not, and Sentence following upon the Ground of the Inhibition, the ſame afterwards take Effect, yea Arreſtment ay and while Caution be found, may be Inſert in the ſaid Inhibition, without any Incongruity in Stile.*

Here ends the Letters paſſing the Signet.

THE SECOND PART;

(or Branch) of the Fourth Part *of the Author's Syſtem of* Stiles, *conſiſting of* Signatures *paſt in Exchequer, and expede the* Seals.

SIGNATURE of Appryſing of Lands, when the Debitors are Inſeft, to be found in the Firſt Part of the Work, Page 33.

SIGNATURE of Appryſing led againſt the Debitors Heirs, as lawfully Charged, not inſert, but,

Nota, *When the Debitors are dead, and the Creditors purſues the apparent Heirs, and obtains Decreet againſt them, and thereupon charges them to enter Heirs in Special to their Fathers (which is equivalent as if they were Inſeft) and therafter deduces a Compryſing againſt them; The Creditor may paſs a Signature thereupon, and differs nothing from the former, but in this one Point,* viz. *In place of the whilks Lands in the former (after the diſpoſitive Clauſe write thus)* Whilks Lands and others above appryſed, with the Pertinents pertained heretably of before to the deceaſt *A. B. C. D.* and *J. B.* and were in a Court of Appryſing holden within the New Seſſion-houſe of *Edinburgh*, before — Meſſenger Judge and Sheriff in that part, and his Colligues, upon the the — day of —— years, lawfully appryſed frae *A. B.* now of —— *C. D.* now of — and *J. D.* now of ---- eldeſt lawful Sons, and lawfully charged to enter Heirs in Special to the ſaids deceaſt *A. B. C. D.* and *J. B.* their Fathers, within fourty days conform to the Act of Parliament, and frae their Heirs and Succeſſors, and their Tutors and Curators for their Intereſt, and all others having or pretending to have Intereſt in the ſaid matter, at the Inſtance, and to and in favours of the ſaid *W. C.* and his Heirs and Aſſigneys whatſomever heretably, for payment and ſatisfaction to them of the Sums of Money, Principal, Annualrents and Expenſes contained in the Decreet and Proceſs of Appryſing led and deduced thereanent, extending at the Term of ---- to the Sum of —— *ſcots* Money, and that as for the Principal, and of the Sum of---Money foreſaid of Sheriff-Fee correſpondent thereto. *ſalvo juſto calculo* in both the ſaids Sums, & which Appryſing was duely allowed by Lords of Council and Seſſion, in manner written on the back thereof,

upon the — day of ———; And Ordains the ſaid *W. C.* and his foreſaids, to be heretably Infeft and Seaſed in the ſaids Lands and others above appryſed, with the Pertinents, by way of Signature and compoſition in his Majeſties Exchequer, and as the ſaid Decreet of Appryſing in it ſelf more fully proports. And his Majeſty Wills and Grants, and for his Highneſs and his Royal Succeſſors, with conſent above-ſpecified, Decerns and Ordains, that a Seaſin to be taken by the ſaid *W. C.* and his foreſaids, now, and in all time-coming: *After this follow furth the Stile of the former Signature, beginning at the* 31 *Line* uſque ad finem.

SIGNATURE of Appryſing in favours of the Heir of the Appryſer, the Father not being formerly Infeft (for if Infeft, behoved to enter by Service and Retour) but this Signature not *ad longum* inſert but in theſe Particulars differ from the former, *Fol. page* 33 *viz.* 1. In the diſpoſitive Clauſe of the former, it is to the Father, his Heirs and Aſſigneys, in this it moſt be to the Son, as eldeſt lawful Son and Heir ſerved and retoured to the deceaſt *W. C.* of —— his Heirs and Aſſigneys. 2. In the *Quiquidem* or whilks Lands after the diſpoſitive Clauſe hold on as in the former Signature (only call the Appryſer the ſaid deceaſt W. C. of ——) till ye come to the *Diſpenſation* and then add, And to which Appryſing the ſaid ——— (has Right as Heir foreſaid. And then 3. Go on with the *Diſpenſation* for taking of *Seaſin*) *Tenendo* and *Reddendo uſque ad finem*, only take in the *Son* for the Father.

Nota, *In all Signatures of Appryſing, if within the years of the Legal, this Clauſe muſt be inſert after* pro omni alio onere *in the* Reddendo, *redeemable always, and under Reverſion, conform to the* Act of Parliament 2. *The Theſaurer, or Lords of the Theſaury* (*when in Commiſſion*) *uſe to cauſe inſert this Clauſe after the former, and with this Proviſion, alſo, that in caſe the Appryſer either by Expiration of the legal Reverſion, or by Tranſaction with the Debitor, ſhall attain to the irredeemable Right of the Lands appryſed, then he ſhall be holden to paſs a New Infeftment thereof through the Seals and Regiſters, and that within year and day after the ſaid Expiration or Acquiſition.* 3. *When the Legal is truly expired, the Appryſer will either declare the ſamin, or paſs a new Infeftment on his own Reſignation in common Form; And in effect in the diſpoſitive Clauſe, and all alongſt takes in the words Heretably and Irredeemably, but in this caſe the* Tenendas *and* Reddendas *muſt be inſtructed by Documents, I mean the Debitor or his Authors Charter, as well as the Lands are by the Appryſers own Infeftment.*

SIGNATURE of Reſignation, of an Annualrent out of Lands.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution of Exchequer for the time, and then ſay*) Ordains an Charter to be made and paſt under His Majeſties Great Seal of *Scotland*, in due and competent Form, Giving, Granting and Diſponing, and for His Highneſs and his Succeſſors perpetually Confirming; likeas His Majeſty (with Conſent foreſaid) by thir Preſents Gives, Grants and Diſpones, and for His Highneſs and His Royal Succeſſors, perpetually

tually Confirms to *G. D.* of ---- his Heirs and Aſſigneys whatſomever heretably, (under Reverſion always in manner under-written) *All and Hail*, an Annualrent of --- *ſcots* Money, (or any other Annualrent effeirand to the principal Sum of ---- Money foreſaid, Borrowed by *A. B.* of ---. Heretable Proprietar of the Lands and others after-ſpecified, forth of which the ſame is appointed to be Uplifted and Taken in manner after-mentioned, from the ſaid *G. D.* that ſhall happen to be Eſtabliſhed by any ſupervenient Law within this Realm for the future) yearly to be uplifted and taken at two Terms in the year, *W.* and *M.* by equal Portions, furth of all and haill the ſaid *A. B.* his Lands of--- lying within the Parochin of ---- and Sheriffdom of ---or furth of any part or portion thereof, and firſt beſt and readieſt of the Mails, Profits and Duties of the ſame, and which Lands and others above-ſpecified, furth of which the ſaid Annualrent is appointed to be uplifted as ſaid is, pertained Heretably to the ſaid *A. B.* likeas the ſaid Annualrent furth thereof was by him and his lawful Procurators in his Name, to that effect ſpecially Conſtitute by the Procuratory of Reſignation, and Patent Letters contained in the Heretable Bond, and Right of Annualrent granted by the ſaid *A. B.* to the ſaid *G. D.* and his foreſaids, of the date the —— day of —— —— years, with all due Humility and Condign Reverence, as becomes purely and ſimply by Staff and Baſton as uſe is, duely and lawfully Reſigned in the Hands of His Majeſties Commiſſioners of Exchequer appointed to receive Reſignations, and having alſo power to grant new Infeftments thereupon, as in the Hands of His ſaid Majeſty, immediat lawfull Superior of the ſaids Lands, and conſequently of the ſaid Annualrent Upliftable furth thereof, in Favours and for new Infeftment of the ſame, to be made and granted to the ſaid *G. D.* and his foreſaids, under His Majeſties Great Seal of his ſaid Ancient Kingdom, under Reverſion in manner ſpecified in the ſaid Bond, in ſuch due and competent Form as accords, *At* — the — day of ---- ---- years, as Authentick Inſtruments taken thereupon, in the hands of --- Nottar Publick, in themſelves more fully is contained, and His Majeſty Wills and Grants, and for him and his Royal Succeſſors, (with Conſent above-mentioned) Decerns and Ordains that an Seaſin to be taken by the ſaid *G. D.* and his foreſaids, of the ſaid Annualrent upon the Ground of any part of the ſaids Lands and others foreſaids, now and in all time coming, is, and ſhall be als ſufficient to them as if an particular Seaſin were taken by them, upon ilk part or portion thereof, albeit the ſame be not ſo done whereanent, and with all that may follow thereupon, or can be objected againſt the ſame, His Majeſty (with Conſent above-ſpecified) has Diſpenced, and for His Highneſs and his Royal Succeſſors Diſpences for ever *to be holden*, and for to hold the foreſaid Annualrent upliftable furth of the ſaids Lands at the Terms and by equal portions as ſaid is, to the ſaid *G. D.* and his foreſaids Heretably, under Reverſion as ſaid is, of his Majeſty and his Succeſſors, as immediat lawful Superiors of the ſame in free Blench, Fee and Heretage for ever, with free Iſh and Entry thereto, and with all and ſundry other Liberties *&c.* freely, quietly, but Revocation, *&c.* *Giving* therefore yearly the ſaid *G. D.* and his foreſaids, during the ſaid not Redemption to his Majeſty and his Succeſſors, an penny *ſcots* Money upon the Ground of the ſaids Lands at the Feaſt of *W.* yearly, in Name of Blench Farm, if it be asked allanerly for all other Burdens, *&c.* and that the ſaid Charter be extended in moſt ample Form with all Clauſes needful, and that Precepts be orderly direct thereupon in Form as effeirs. *Given at*

Nota, *As an Land holden Ward (by its nature and conform to the Act of Parliament) cannot be Diſponed holden Blench, ſo an Annualrent furth thereof, (being of neceſſity of the ſame nature) cannot be*

Diſponed otherways without hazard of Recognition, but as to the Signature aforeſaid, the Lands are judged to hold Blench or Feu.

Nota, *As to the Precept in Latin upon the ſaid Signature, the ſame goes in Courſe, and ſo not Inſert but omitted, as all of that kind, (few or none excepted.)*

The next to be proſecuted, is a Confirmation of the ſaid Right of Annualrent, if it pleaſe the Creditor ſo to have it, (rather than by Reſignation,) and in effect it is uſually a little cheaper in Exchequer, and paſſing through the Seals.

SIGNATURE of Confirmation of an Annualrent.

OUR *SOVERAIGN LORD*, with the ſpecial Advice and Conſent of (*here Inſert the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) *Ordains* an Charter to be made and paſt under His Majeſties Great Seal of the ſaid Kingdom of *Scotland*, in due and competent Form, Ratifying, Approving, and for his Highneſs and his Succeſſors perpetually Confirming, likeas his Majeſty (with Conſent foreſaid) by thir Preſents Ratifies, Approves, and for his Highneſs and his Succeſſors perpetually Confirms an Heretable Bond, dated the --- day of --- — years, granted by A. B. of ——— Heretable Proprietar of the Lands and others after-ſpecified, furth of which the Annualrent after-mentioned is appointed to be uplifted and taken in manner after expreſt, to *G. D.* of —— his Heirs and Aſſigneys whatſoever, whereby the ſaid *A. B.* for the Sum of 5000 *Merks ſcots* Mony Borrowed and Received by him from the ſaid C. D. in manner and at the time therein contained,) Band and obliged him his Heirs and Succeſſors duely and ſufficiently to Inſeft and Seaſe by Charter and Seaſin *titulo oneroſo*, in due and competent Form, the ſaid *G. D.* his Heirs and Aſſigneys above-ſpecified, Heretably (under Reverſion in manner therein mentioned) in all and haill an Annualrent of 300 *Merks* Mony foreſaid (or any other Annualrent effeirand to the ſaid Principal Sum, that by any ſupervenient Law ſhall happen to be Eſtabliſhed within this Kingdom for the future) yearly to be uplifted and taken at two Terms in the year. *W.* and *M.* in Winter by equal portions, furth of All and Hail the ſaid *A. B.* his Lands of —— lying within the Parochin of — and Sheriffdom of —— or furth of any part or portion thereof, and firſt beſt and readieſt of the Mails, Farms, Profits and Duties of the ſame, and that by double Inſeftments and manner of Holdings, to be holden with Warrandice and under Reverſion in manner ſpecified in the ſaid Bond, together with the Precept of Seaſin therein contained, for infefting the ſaid *G. D.* in the ſaid Annualrent, to be holden of His Majeſty and his Succeſſors, and Inſtrument of Seaſin following thereupon, dated the —— day of —— — years, in the haill Heads, Obligments, Articles, Clauſes and Conditions of the ſame; And his Majeſty (with Advice and Conſent foreſaid) Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains that the foreſaid general Confirmation is and ſhall be als valid and ſufficient, and of als great Force, Strength and Effect to all Intents and Purpoſes, as if the foreſaid Heretable Bond and Precept of Seaſin therein contained, and Inſtrument of Seaſin following thereupon were word by word herein Inſert and Ingroſſed, and as if the foreſaid Confirmation were granted before taking of Seaſin of the foreſaid Annualrent, albeit the ſame be not ſo done whereanent, and with all that may

follow

follow thereupon, or that can be objected againſt the Validity thereof, His Majeſty with Conſent foreſaid has Diſpenſed, and for him and his Succeſſors by thir Preſents Diſpenſes for ever to be holden the ſaid Annualrent of His Majeſty and his Succeſſors, as immediat lawful Superiors thereof, in Fee and Heretage for ever, with free Iſh and Entry, freely, quietly, *&c.* but Revocation, *&c.* Reſerving always to His Majeſty and his Succeſſors the Feu-duties, Elench-duties, and other Duties and Services (if any be) due and payable to them forth of the ſaids Lands and others foreſaids, forth of which the ſaid Annualrent is upliftable as ſaid is, and contained in the Original Infeftments of the ſame at any time before the ſaid Confirmation, for all other Burden Exaction, *&c.* and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in due and competent Form as ſaid is, *Given at*

SIGNATURE *by Reſignation of* Lands *for Security of* Mony, *and not by way of Annualrent forth thereof.*

OUR *SOVERAIGN LORD*, with the Special Advice and Conſent of (*here take in the Conſents according to the Conſtitution of the Exchequer, whether by a Theſaurer or Theſaurie, and then ſay*) Ordains an Charter to be made and paſt under his Majeſties Great Seal of his ſaid Ancient Kingdom in due and competent Form Giving, Granting and Diſponing and for his Highneſs and his Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid by thir Preſents Gives, Grants and Diſpones, and for his Highneſs and his Succeſſors perpetually Confirms to *G. D.* of —— his Heirs and Aſſigneys whatſomever Heretably, all and haill the Lands of —— (*here Inſert all as in the Heretable Bond and Seaſin,*) lyand within the Parochin of —— and Sheriffdom of —— *Whilks* Lands and others above-ſpecified, with the Pertinents lyand as ſaid is, pertained Heretably of before to *A. B.* of —— and were by him and his lawful Procuratores in his Name to that Effect ſpeciallie conſtitute, and Patent Letters contained in the Heretable Bond, of the Date the —day of —— years, made and granted by the ſaid *A.B.* of — to the ſaid *G. D.* of — his Heirs and Aſſigneys whatſomever, heretably, duely and lawfully Reſigned by Staff and Baſton as uſe is, in the hands of the ſaid —— (*here Inſert Lord high Theſaurer or Lords Commiſſioners of his Majeſties Theaſury and Exchequer according to the Conſtitution for the time, and then ſay,* having power ro receive Reſignations in his Majeſties Name, and thereupon to grant new Infeftments as in his Majeſties Name, immediat lawful Superiors thereof, *At Edinburgh* the —— day of — in favours and for new Infeftment of the ſamen to be made and granted to the ſaid *G. D.* his Heirs and Aſſigneys what ſomever heretably, to be holden of his Majeſty and his Royal Succeſſors in manner under-written, and in ſuch due and competent Form as accords, Redeemable always, and under Reverſion by the ſaid *A. B.* his Heirs and Aſſigneys from the ſaid *G. D.* and his foreſaids by payment or Conſignation of the Sum of —of Principal, with the Annuals and Expenſes and Charges of the Infeftments ſpecified and contained in the ſaid Heretable Bond, and doing and performing of the other Obligments and Conditions therein expreſt, and here holden as for expreſt *brevitatis cauſa*, as Authentick Inſtruments taken thereupon in the hands of —— Nottar Publick, in themſelves more fully proport, and his Majeſty with Conſent foreſaid Wills and Grants, and for his Highneſs and his Succeſſors Decerns and Ordains that an Seaſin to be taken by the ſaid *G. D.* and his foreſaids now and in all time coming, at the Principal Dwelling-houſe of the

Diſponed otherways without hazard of Recoguition, but as to the Signature aforeſaid, the Lands are judged to hold Blench or Feu.

Nota, *As to the Precept in Latin upon the ſaid Signature, the ſame goes in Courſe, and ſo not Inſert but omitted, as all of that kind, (few or none excepted.)*

The next to be proſecuted, is a Confirmation of the ſaid Right of Annualrent, if it pleaſe the Creditor ſo to have it, (rather than by Reſignation,) and in effect it is uſually a little cheaper in Exchequer, and paſſing through the Seals.

SIGNATURE of Confirmation of an Annualrent.

OUR *SOVERAIGN LORD*, with the ſpecial Advice and Conſent of (*here Inſert the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) *Ordains* an Charter to be made and paſt under His Majeſties Great Seal of the ſaid Kingdom of *Scotland*, in due and competent Form, Ratifying, Approving, and for his Highneſs and his Succeſſors perpetually Confirming, likeas his Majeſty (with Conſent foreſaid) by thir Preſents Ratifies, Approves, and for his Highneſs and his Succeſſors perpetually Confirms an Heretable Bond, dated the --- day of --- --- years, granted by A. B. of ——— Heretable Proprietar of the Lands and others after-ſpecified, furth of which the Annualrent after-mentioned is appointed to be uplifted and taken in manner after expreſt, to *G. D.* of —— his Heirs and Aſſigneys whatſoever, whereby the ſaid *A. B.* for the Sum of 5000 *Merks Scots* Mony Borrowed and Received by him from the ſaid C. D. in manner and at the time therein contained,) Band and obliged him his Heirs and Succeſſors duely and ſufficiently to Inſeft and Seaſe by Charter and Seaſin *titulo oneroſo*, in due and competent Form, the ſaid *G. D.* his Heirs and Aſſigneys above-ſpecified, Heretably (under Reverſion in manner therein mentioned) in all and haill an Annualrent of 300 *Merks* Mony foreſaid (or any other Annualrent effeirand to the ſaid Principal Sum, that by any ſupervenient Law ſhall happen to be Eſtabliſhed within this Kingdom for the future) yearly to be uplifted and taken at two Terms in the year. *W.* and *M.* in Winter by equal portions, furth of All and Haill the ſaid *A. B.* his Lands of —— lying within the Parochin of— and Sheriffdom of —— or furth of any part or portion thereof, and firſt beſt and readieſt of the Mails, Farms, Profits and Duties of the ſame, and that by double Infeftments and manner of Holdings, to be holden with Warrandice and under Reverſion in manner ſpecified in the ſaid Bond, together with the Precept of Seaſin therein contained, for infefting the ſaid *G. D.* in the ſaid Annualrent, to be holden of His Majeſty and his Succeſſors, and Inſtrument of Seaſin following thereupon, dated the —— day of —— —— years, in the haill Heads, Obligments, Articles, Clauſes and Conditions of the ſame; And his Majeſty (with Advice and Conſent foreſaid) Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains that the foreſaid general Confirmation is and ſhall be als valid and ſufficient, and of als great Force, Strength and Effect to all Intents and Purpoſes, as if the foreſaid Heretable Bond and Precept of Seaſin therein contained, and Inſtrument of Seaſin following thereupon were word by word herein Inſert and Ingroſſed, and as if the foreſaid Confirmation were granted before taking of Seaſin of the foreſaid Annualrent, albeit the ſame be not ſo done whereanent, and with all that may follow

follow thereupon, or that can be objected againſt the Validity thereof, His Majeſty with Conſent foreſaid has Diſpenſed, and for him and his Succeſſors by thir Preſents Diſpenſes for ever to be holden the ſaid Annualrent of His Majeſty and his Succeſſors, as immediat lawful Superiors thereof, in Fee and Heretage for ever, with free Iſh and Entry, freely, quietly, *&c.* but Revocation, *&c.* Reſerving always to His Majeſty and his Succeſſors the Feu-duties, Elench-duties, and other Duties and Services (if any be) due and payable to them forth of the ſaids Lands and others foreſaids, forth of which the ſaid Annualrent is upliftable as ſaid is, and contained in the Original Infeftments of the ſame at any time before the ſaid Confirmation, for all other Burden Exaction, *&c.* and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in due and competent Form as ſaid is, *Given at*

SIGNATURE *by Reſignation of* Lands *for Security of* Mony, *and not by way of Annualrent forth thereof.*

OUR *SOVERAIGN LORD*, with the Special Advice and Conſent of (*here take in the Conſents according to the Conſtitution of the Exchequer, whether by a Theſaurer or Theſaurie, and then ſay*) Ordains an Charter to be made and paſt under his Majeſties Great Seal of his ſaid Ancient Kingdom in due and competent Form Giving, Granting and Diſponing and for his Highneſs and his Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid by thir Preſents Gives, Grants and Diſpones, and for his Highneſs and his Succeſſors perpetually Confirms to *G. D.* of —— his Heirs and Aſſigneys whatſomever Heretably, all and haill the Lands of —— (*here Inſert all as in the Heretable Bond and Seaſin*,) lyand within the Parochin of —— and Sheriffdom of —— *Whilks* Lands and others above-ſpecified, with the Pertinents lyand as ſaid is, pertained Heretably of before to *A. B.* of —— and were by him and his lawful Procuratores in his Name to that Effect ſpeciallie conſtitute, and Patent Letters contained in the Heretable Bond, of the Date the —day of —— years, made and granted by the ſaid *A.B.* of — to the ſaid *G. D.* of — his Heirs and Aſſigneys whatſomever, heretably, duely and lawfully Reſigned by Staff and Baſton as uſe is, in the hands of the ſaid —— (*here Inſert Lord high Theſaurer or Lords Commiſſioners of his Majeſties Theaſury and Exchequer according to the Conſtitution for the time, and then ſay*, having power ro receive Reſignations in his Majeſties Name, and thereupon to grant new Infeftments as in his Majeſties Name, immediat lawful Superiors thereof, *At Edinburgh* the — day of — in favours and for new Infeftment of the ſamen to be made and granted to the ſaid *G. D.* his Heirs and Aſſigneys what ſomever heretably, to be holden of his Majeſty and his Royal Succeſſors in manner under-written, and in ſuch due and competent Form as accords, Redeemable always, and under Reverſion by the ſaid *A. B.* his Heirs and Aſſigneys from the ſaid *G. D.* and his foreſaids by payment or Conſignation of the Sum of —of Principal, with the Annuals and Expenſes and Charges of the Infeftments ſpecified and contained in the ſaid Heretable Bond, and doing and performing of the other Obligments and Conditions therein expreſt, and here holden as for expreſt *brevitatis cauſa*, as Authentick Inſtruments taken thereupon in the hands of —— Nottar Publick, in themſelves more fully proport, and his Majeſty with Conſent foreſaid Wills and Grants, and for his Highneſs and his Succeſſors Decerns and Ordains that an Seaſin to be taken by the ſaid *G. D.* and his foreſaids now and in all time coming, at the Principal Dwelling-houſe of the

ſaids Lands of (6)or upon the Ground of any part or portion of the ſame is and ſhall be als ſufficient as if an particular Seaſin were taken by them upon ilk part or portion thereof, albeit the ſame be not ſo done whereanent, and with all that may follow thereupon, or that can be any ways objected againſt the validity thereof and Diſcontiguity of the ſaids Lands, and notwithſtanding of any other place Deſigned by the Infeftments thereof, for taking of Seaſin (if any be) his Majeſty with Conſent foreſaid has Diſpenced, and for him and his Royal Succeſſors by thir preſents Diſpenſes for ever, *to be holden*, and for to hold the ſaids Lands and others foreſaids to the ſaid *G. D.* and his foreſaids, of his Majeſtie and his Royal Succeſſors Superiors thereof, in Fee and Heretage for ever, (*at leaſt during the ſaid not Redemption*) by all Rights, Meiths and Marches of the ſame, old and diviſed as the ſame ly in Length and Breadth, in Houſes, Biggings *&c.* Ways Paſſages, *&c.* Milns, Multures, *&c.* Haulking, Haunting, Fiſhings, Peats, Turffs, Coals, Coal-Heughs, Cunnings, Cunningaries, *&c.* Smiths, Smiddies, with Court-pleat *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation; *Givand* therefore yearly the ſaid *G. D.* and his foreſaids to his Majeſty and his Royal Succeſſors, as Superiors thereof, (*during the ſaid not Redemption*) the Feu-Duty, Blench-Duty, and other Duties, (if any be) due and payable to them furth thereof, and contained in the ſaid *A. B.* his Infeftment of the ſame, at anie time before the ſaid Reſignation, for all other Burden, Exaction, *&c.* and but prejudice always to the ſaid G. D. and his foreſaids of their Relief of the ſame and Repayment thereof from the ſaid *A. B* and his foreſaids, conform to the ſaid Heretable Bond and Obligments therein contained, in all Points, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at*

Nota, *Hereafter I begin all Signatures with OUR SOVERAIGN LORD, and then balks the Conſents (leaving them to be Inſert according to the Conſtitution for the time*, brevitatis cauſa *)and then I ſay* Ordains an Charter to be made and paſt.

SIGNATURE of Appryſing in Favours of the Heir where the Father was not Infeft.

OUR SOVERAIGN LORD, *Ordains* an Charter to be made and paſt under His Highneſs Great Seal, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and Royal Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid, by thir Preſents Gives, Grants and Diſpones, and for his Highneſs and his Succeſſors perpetually Confirms to *G. D.* of —— Son and Heir Served and Heir Served and Retoured to the deceaſt *G. D.* of —— and thereby having Right to the Appryſing after-ſpecified, and to his Heirs and Aſſigneyes whatſomever Heretably, *All and Haill*, (*here Inſert the Lands as in the Appryſing, and where they ly, and likeways the Teinds if Appryſed with the Stock, and then ſay*) *Whilks* Lands and others above-ſpecified with the Pertinens, *Pertained* Heretably of before to *A. B.* of —— (6)and were in an Court of Appryſing, holden within the Tolbooth of —— before *I. H.* Meſſenger, Judge and Sheriff in that part, and his Collegues upon the —— day of — one thouſand ſix hundreth and — years, duely and lawfully Appryſed from him his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the matter, at the Inſtance, and to and in favours of the ſaid deceaſt *G. D.* of — his Heirs and Aſſigneys whatſomever heretably, for payment and Satisfaction of the Sums of Mony

Mony, Principal, Annualrents and Expenſes contained in the Decreet and Proceſs of Appryſing Led and deduced thereanent, extending in the haill at the Term of — to the Sum of — *Scots* Mony, and that as for the Principal and of the Sheriff-Fee effeirand thereto, extending to the Sum of —— Mony foreſaid *ſalvo juſto calculo*, in both the ſaids Sums, and which Appryſing was Allowed by the Lords of Council and Seſſion in manner written on the Back thereof, upon the — day of —— and to which Appryſing the ſaid (7) G. D. now of —— has good and indoubted Right as Heir Served and Retoured to his ſaid deceaſt Father the Appryſer, upon the — day of —— one thouſand ſix hundred and — years; *And* his Majeſty with Conſent foreſaid Wills and Grants, and for his Highneſs and his Succeſſors Decerns and Ordains that an Seaſin to be taken by the ſaid G. D. now of —— and his foreſaids now and in all time coming at the Manner-place (8) or Principal Dwelling-houſe of the ſaids Lands of — or upon the Ground of any other part or portion of the ſaids Lands above-appryſed, is and ſhall be als valid and ſufficient an Seaſin to them for all and ſundry the ſaids Lands and others above-appryſed, with the Pertinents, as if an particular Seaſin were taken by them upon ilk part and portion thereof, and that by Tradition and Delivery of Earth and Stone without Neceſſity of any other Symbol to be given or uſed for that Effect, and notwithſtanding the ſaids Lands and others foreſaids ly diſcontigue and in divers Juriſdictions, and without Reſpect to any other part or place deſigned and appointed for taking Seaſin thereof by the ſaid *A. B.* or his Predeceſſors, and Authors their Rights, and Infeftments of the ſame at any time before the ſaid Appryſing whereanent, and with all that may follow thereupon, or that can be any ways objected againſt the Validity of the ſaid Seaſing ſua taken, his Majeſty with Conſent foreſaid has Diſpenſed and for his Highneſs and his Royal Succeſſors by thir preſents Diſpenſes for ever *to be holden*, and for to hold all and ſundry the ſaids Lands and others above-appryſed, with the Pertinents lying as ſaid is, to the ſaid G. D. now of — and his foreſaids, of his Majeſty and his Royal Succeſſors Superiors thereof, in Fee and Heretage for ever, (*at leaſt during the not Redemption conform to the Act of Parliament*) by all Rights, Meaths and Marches of the ſame, old and divided as the ſame ly in length and breadth, in Houſes, Biggings, *&c.* Ways Paſſages, *&c.* Milns Multures, *&c.* Halking Hunting, *&c.* Coals Coal-heughs, *&c.* Smiths, Smiddies, *&c.* Court-plent, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but any Revocation, *&c.* *Give and* therefore yearly the ſaid G. D. now of — and his foreſaids to his Majeſty and his Royal Succeſſors Superiors thereof, the Feu-Duties Blench-Duties, and other Duties (if any be) due and payable to them as Superiors furth of the ſame, and contained in the ſaid A. B. of — and his Predeceſſors and Authors their Rights and Infeftments of the ſame at any time before the ſaid Appryſing Redeemable always, and under Reverſion conform to the Act of Parliament, and with this Proviſion and Declaration always, that in caſe it ſhall happen the ſaid G. D. now of — or his foreſaids to attain to the Irredeemable Right of the ſaids Lands and others above-appryſed, with the Pertinents either by Expiration of the Legal Reverſion of the ſaid Appryſing, or by a Final Tranſaction with the Debitor, then, and in either of theſe Caſes the ſaid G. D. and his foreſaids ſhall be holden to Exped, an new Infeftment thereof through the Seals and Regiſters, and that the ſaid Charter be extended in moſt ample Form with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

SIGNATURE

SIGNATURE of Appryſing, in favours of an Aſſigney, where the Appryſer was not Inveſt himſelf.

OUR SOVERAIGN LORD, *&c.* Ordains an Charter to be made and paſt under his Highneſs Great Seal of his ſaid Ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors, perpetually confirming, Likeas His Majeſty with Conſent foreſaid, by thir preſents, Gives, grants and Diſpons, and for his Highneſs and his foreſaids perpetually Confirms, to *M. J. B.* of —— his Heirs and Aſſigneys whatſoever heretably, *All* and *Haill* (*here inſert the Lands as in the Appryſing, and where they ly, as alſo the Teinds if Appryſed with the Stock, and then ſay*) Whilks Lands and others above appryſed, with the Pertinents pertained heretably of before to *A. B.* of —— (*here take in from the Figure of* (6) *till ye came to the Figure of* (7) *in the former Signature* (7) *only when ye name the Appryſer, call him not* ſaid deceaſt, *but deceaſed, not being named formerly, and then ſay*, the ſaid *M. J. B.* has Right from the ſaid deceaſt G. D. of —— conform to the Right and Diſpoſition granted thereanent, dated the —— day of —— one thouſand ſix hundred and —— years: And his Majeſty with conſent foreſaid Wills and Grants, and for his Highneſs and Royal Succeſſors, Decerns and Ordains, that one Seaſing to be taken by the ſaid *M. J. B.* and his foreſaids, now, and in all time coming, at the Manner-Place (*here take in the Stile of the former Signature from the Figure* 8 uſque ad finem, *with this Alteration, that in the* Tenendas *and* Reddendas *where* G. D. *of —— is named, put* M. J. B. *in place thereof.*

SIGNATURE of Adjudication in favours of the Adjudger, proceeding on a Cognitionis Cauſa, *with an Account of the ancient Form under the Quarter-Seal, and how altered.*

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made and paſt under his Majeſties Great Seal of his ſaid ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually confirming; Likeas, His Majeſty with conſent foreſaid, by thir preſents, Gives, Grants and Diſpones, and for his Highneſs and his Succeſſors perpetually confirms to *A. B.* of —— his Heirs and Aſſigneys whatſoeven heretably, *All* and *Haill* (*here inſert the Lands as in the Adjudication, and where they ly, as alſo the Teiths if adjudged with the Stock, and then ſay*, Whilks Lands and others above ſpecified, with the Pertinents, pertained heretably of before to the deceaſt H. *M.* of ——, and were lawfully adjudged from *W. M.* his eldeſt lawful ſon, as lawfully charged to enter Heir, and who renounced to be Heir to him, and from his Heirs and Succeſſors, Tutors and Curators, and all others having or pretending to have Intereſt, at the Inſtance, and to, and in favours of the ſaid *A. B.* of —— his Heirs and Aſſigneys whatſoever heretably, for payment and ſatisfaction to them of the ſums of Money, Principal, Annualrents and Expenſes contained in the Decreet of Adjudication, given and pronunced in the ſaid matter, before the Lords of Council and Seſſion, upon the —— day of —— one thouſand ſix hundred and —— years, extending in the whole at the Term of —— to the ſum of —— *Scots* Money, (6) and by which Decreet the ſaid *A. B.* and his foreſaids

ſaids, are ordained to be hereably Infeft and Seiſed in the ſaids Lands, and others above adjudged, with the Pertinents, to be holden in manner underwritten, and as in the ſame more fully is expreſt: And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *A. B.* and his foreſaids now, and in all time coming at the Manner-place (*here take in the Diſpenſation* Tenendas *and* Reddendas, *as in the mediat preceeding Signature* uſque ad finem, *only in place of that perſon inſert* A. B. *and in place of the word Appryſing, inſert Adjudication*, and then conclude with, And that the ſaid Charter being extended in moſt ample Form, with all Clauſes needful, *&c. Given at*

Nota, *When Lands held of the King, in caſes of this Nature, no Signature paſt at all, but the Adjudger gave in a Bill to the Lords in courſe, (as another common Bill) ſhewing, that upon ſuch a day, he obtained the Lands adjudged frae ſuch a perſon, as lawfully charged to enter Heir, and who renunced to be Heir to his Father for payment of ſuch a Sum, conform to the Decreet pronunced thereanent before the Lords, and whereby he was ordained to be Infeft, to be holden of his Majeſty and Royal Succeſſors, as Superiors in the ſame way and manner as the Defunct held the ſame, or as his Son might have holden the ſame, had he Entered and not Renunced to be Heir to him in manner foreſaid, as the ſaid Decreet preſent to ſhow bears; And therefore craving the Lords might Ordain the Director of the Chancellary and his Deputs, to Emit and Direct forth a Precept under the Quarter-Seal, in due and ample Form of Chancellary, direct to the Sheriff, Baillie of Regality, or Stewartrie where the Lands ly, or to —— as Sheriff, &c. in that part, for giving Seaſin of the Lands adjudged, to be holden of his Majeſty and Succeſſors* ut ſupra: *And this Bill was paſt by the Lord Ordinary on the Bills, and ſubſcribed by the Clerk of the Bills, and then the Director or his Deputs gave out a Precept under the Quarter-Seal accordingly, and Seaſin followed, and was Regiſtrat within 60 days: But within thir 20 years, the Lords of the Theſaury would have it paſt by way of Signature, and the Writters ceded, not willing to give Offence, albeit there was no poſitive Statute for it, and yet ſome to this day (and to be ſure) do it the old way, if not both ways.*

SIGNATURE *of Adjudication on the Act of Parliament (come in place of Appryſings) in favours of the Adjudger.*

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made, & paſt under his Majeſties Great Seal of his ſaid antient Kingdom, in due and competent Form; Giving, Granting, and Diſponing; and for his Highneſs, and his Royal Succeſſors, perpetually Confirming: Likeas, his Majeſty with Conſent foreſaid, by thir preſents, Gives, Grants, and Diſpons, and for his Highneſs, and his Succeſſors perpetually Confirmes to *A. B.* of ——, his Heirs and Aſſigneys whatſomever, Heretably, All and Haill (*here Inſert the Lands as in the Adjudication, and where they ly, and likeways the Teiths if Adjudged with the Stock, and then ſay* Whilks Lands and others above Adjudged with the Pertinents, *pertained* Heretably of before to *W. M.* of —— and were lawfully Adjudged from him his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the matter, at the Inſtance, and to and in Favours of the ſaid *A. B.* of —— his Heirs and Aſſigneys whatſomever Heretably for Payment and Satisfaction to them of the Sums of Mony, Principal, Annualrents and Expenſes

ſes contained in the Decreet after-ſpecified, extending in the haill at the Term of ---- to the Sum of ---- uſual Mony, of this Realm *ſalvo juſto calculo* (6) and that by and attour the Compoſition to the Superior and Expenſes of the Infeftment, conform to the Decreet of Adjudication (founded upon the Act of Parliament Appointing Adjudications to come in place of Compryſings) pronunced thereanent, before the Lords of Council and Seſſion, dated the---- day of---- one thouſand ſix hundred and ---- years, and duely Allowed by the ſaids Lords in manner written on the Back thereof, upon the ---- day of---- and whereby the ſaids Lords have ordained the ſaid *A.* B. and his foreſaids to be heretably Infeft in the ſaids Lands and others above-adjudged, with the Pertinents to be holden in manner under-written, as the ſaid Decreet of Adjudication duely Allowed as ſaid is, in it ſelf more fully is contained; and his Majeſty with Conſent foreſaid Wills and Grants, and for his Highneſs and his Royal Succeſſors Decerns and Ordains that an Seaſin to be taken by the ſaid *A. B.* and his foreſaids now and in all time coming at the Manner-place of the ſaids Lands of ---- (*here follow furth the Stile of the Diſpenſation*, Tenendas, Reddendas, *Reverſion and other Clauſes contained in the Signature, page* 33. uſque ad finem.

Nota, (1) *In ſome Adjudications the Decreet bears not only the Extent of the Sums at ſuch a Term, or to the date of the Adjudication, but alſo theſe words, and of the Annualrent of the ſaid accumulat Sum ſince the ſaid Term of* ---- (or ſince the ſaid Adjudication) *and in time coming during the not* Redemption, *and then comes in the words attour the Compoſition to the* Superiors *and* Expenſes *of the Infeftment, and if it fall out ſo, add theſe words at the figure of* 6, (2) *you would notice before you write the* Signature, *of whom the* Lands *hold, for ſome may hold of the King and others of* Subjects *as* Superiors, *and ſometimes the Adjudger not certainly knowing who are the true* Superiors, *and therefore by Gueſe takes them to be holden of the King, or of ſuch a perſon or ſuch a perſon, or of any others the lawful* Superiors *thereof, as to all which I give you this Direction, That as if all be ſaid, to be holden of the King poſitive, then all is to be Inſert in the* Signature, *yea if not poſitive but by* Alternatives *let all be Inſert to be ſure, and ſhould any part afterwards be found to hold of any other* Superior *there is no hazard to the* Adjudger *or* Appryſer, *being ignorant of and not knowing who is the true* Superior, *and not Maſter of his Debitors* Charter Cheſt, *and ſo but a* jectus retis, *and the worſt is to enter by the true* Superior *when known, and can infer no Diſclamation as in that of Reſignations, which is a voluntar* Act, *and upon the other hand when the* Adjudication *is clear as to what holds of the King, and what of other* Superiors, *there needs no more be Inſert in the* Signature, *then what truly holds of the King, and as to what holds of other* Superiors, *Horning may be raiſed againſt them to Infeft, which ye will find amongſt the* Stile *of Letters paſſing the* Signet, *and look the Index for it.*

Nota, *If the* Adjudication *be Diſponed to an other perſon, and that the* Adjudger *himſelf was not Infeft, then the* Acquirer *may draw an Signature in his own favours, Wherein obſerve* (1) *That in the Diſpoſitive Clauſe of the* Signature *the* Lands *is to be to the* Acquirer, *his Heirs and* Aſſigneys, (2) *Whereas in the* Qæuqnidem, *or Whilks* Lands *pertained heretably of before to* A. B. *of* --- *and were lawfully* Adjudged *from him at the Inſtance of the ſaid* G. D. (*becauſe he was formerly named in the Diſpoſitive Clauſe, were the* Signature *in his own Favours*) *ye muſt now ſay at the Inſtance of* G. *D. of* —— (*leaving out the word ſaid*) *his*

Heirs

Heirs and Aſſigneys for payment and Satisfaction to them of the Sums of Money, (here take in the words of the former Signature, *page* 509 till ye paſs the Allowance, and then ſay) *and whereby the ſaid* G. D. *and his foreſaids were ordained to be heretably Infeft in the ſaids Lands and others above-adjudged, with the* Pertinents *to be holden in manner under-written, after which add this Clauſe,* viz. *likeas the ſaid* G. D. *by his Right and Diſpoſition of the date the —— day of —— Diſponed the foreſaid Adjudication, Allowance written on the Back thereof, Lands and others therein ſpecified, Sums of Mony therein contained, and thereby due of the Law with all that followed or might follow thereupon, in favours of the ſaid —— (meaning the perſon to whom the Diſpoſition is granted, and in whoſe Favours the Signature is to be written) his Heirs and Aſſigneys, and then Inſert the Diſpenſation for taking a Seaſin, and the* Tenendas *and* Reddendas, *Reverſion and other Proviſion as in the former* Signature *upon an Adjudication,* —— page 33 *changing the Name.*

SIGNATURE *of Confirmation of Lands Wodſet, (being an proper Wodſet Cled with Poſſeſſion: not ſet in Back-tack to the Heretor, for Payment of the Annualrent of the Mony, or other Duty, and uſually goes by Confirmation, but if the* Party *pleaſe, may paſs by* Reſignation.

OUR SOVERAIGN LORD &c. ORDAINS an Charter to be made and paſt under his Majeſties Great Seal of his ſaid Ancient Kingdom of *Scotland*, in due and competent Form, Ratifying, Approving, and for his Highneſs and his Royal Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid, by thir Preſents Ratifies, Approves, and for his Highneſs and his Succeſſors perpetually Confirms to *W. M.* of —— and I.H. his Spouſe, the longeſt Liver of them two in Conjunct-Fee and Liferent, and to the Heirs lawfully procreat, or to be procreat betwixt them, *Whilks* failzieing to the ſaid *W. M.* his other Heirs and Aſſigneys whatſomever heretably, the Contract of Wodſet made and paſt betwixt *M. I. B.* of —— heretable Proprietar of the Lands and others after-ſpecified, on the ane part and the ſaid *W. M.* of —— and the ſaid *I. H.* his Spouſe on the other part, of the date the —— day of —— —— years, whereby the ſaid M. *I. B.* (for the Sum of —— uſual Mony of this Realm, Advanced, payed and delivered to him by the ſaid *W. M.* for himſelf, and in Name and Behalf of his ſaid Spouſe, in manner therein ſpecified) Sold, Annualzied, Wodſet and Diſponed to the ſaid *W.* M. and the ſaid *I. H.* his Spouſe, and to the longeſt Liver of them two in Conjunct-Fee and Liferent, and the Heirs betwixt them, *Whilks* failzieing as ſaid is, and their Aſſigneys heretably, *All and haill* (*here Inſert the Lands and where they ly, as in the Contract, as alſo the Teiths if Diſponed with the Stock, and then ſay*) and the ſaid M. *I. B.* Band and Obliged him his Heirs and Succeſſors duely and ſufficiently to Infeft and Seaſe the ſaid *W.* M. his ſaid Spouſe and their foreſaids, *Whilks* failzieing as ſaid is, in Liferent and Fee *Reſpective*, and heretably in manner foreſaid in the ſaids Lands and others above-ſpecified, with the Pertinents, and that by double Infeftments *a Me* and *de Me* to be holden with abſolute Warrandice and under Reverſion in manner therein mentioned, and for their farder Security thereanent, Aſſigned, Transferred and Diſponed in their Favours, the Writs and Evidents of the ſaids Lands and others foreſaids, and Conſtitute them his Aſſigneys in and to the haill Maills, Farms, Caines, Cuſtoms, Caſualities, Pro-

fits and Duties of the ſaids Lands and others above-written, of the Cropt and year of God ——— years, and thereafter in all time coming, during the not Redemption, and to make Payment to them and their foreſaids, Whilks failzeing, as ſaid is, of the ſaid Principal Sum, at the Term of ——— Even ——— years, or any other Term of *Whitſunday or Martinmaſs* Even thereafter, they pleaſe upon the Requiſition therein ſpecified; To be made by them to the ſaid M.I.B. and his foreſaids, for that effect, of before Perſonally, or at their Dwelling-places for the time, in preſence of a Nottar, and Witneſs as effeirs, and alſo to make Payment to them of the ſum of ——— Money foreſaid, in name of liquidat Penalty, in caſe of failzie, and that by and attour the ſaid principal ſum, and together therewith: And likewiſe, to do and perform ſeveral other Clauſes and Conditions, ſpecified and contained in the ſaid Contract of Wodſet, (and all here holden as for expreſt *Brevitatis Cauſa*) Together with the Charter following on the ſaid Contract, Precepts of Seaſing contained in both, and Inſtruments of Seaſing following, or competent to follow thereupon. (6) In the haill Heads, Obligements, Articles, Clauſes, Proviſions, and Conditions therein contained: And his Majeſty with Conſent foreſaid; Wills and Grants; and for his Highneſs and his Royal Succeſſors, Decerns and Ordains the foreſaid general Confirmation, to be als Valid and Sufficient, and of als great Force, Strength and Effect, to all Intents and Purpoſes to the ſaid *W.* M. his ſaid Spouſe and their foreſaids, *Whilks* failzieing as ſaid is, as if the ſaid Contract of Wodſet, Charter and Seaſings were *de verbo in verbum* herein Inſert, and as if the ſaid Confirmation were granted before taking of Seaſin of the ſaids Lands and others above Wodſet, with the Pertinents albeit the ſame be not ſua done whereanent, and with all that may follow thereupon, or that can be any ways objected againſt the Validity of the ſaid Coufirmation, and likeways with all Faults. Nullities and Imperfections; (if any be) contained in the ſaids Rights, his *Majeſty* with Conſent foreſaid, has Diſpenſed and for him & his Royal Succeſſors by thir preſents not only Diſpenſes, but alſo Renunces and Diſcharges the ſame in favours of the ſaid *W.* M. his ſaid Spouſe and their foreſaids for ever in all time coming, *Saſing* and Reſerving always to his Majeſty and his Royal Succeſſors the Feu-Duties, Blench-Duties and other Duties (if any be) due and payable to them as Superior, furth of the ſaids Lands and others above-wodſet with the Pertinents, and contained in the ſaid *W.* M. of —— or his Predeceſſors and Authors their Rights and Infeftments of the ſame, at any time before the ſaid Confirmation, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needfull, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

Nota, *At times the Heretor Renunces and Diſcharges the Reverſion the Stile whereof (if it ſo fall out) you will find amongſt the* Securities, *being the fifth part of the work, and you may look the Index for it, and it is fit if the Confirmation be not paſt until the Reverſion be Renunced, that the Confirmation be of the* Diſcharge *or* Renunciation, *alswell as of the Wodſet, by adding at the 6 figure the Clauſe following.*

Together alſo with the Diſcharge and Renunciaton *granted by the ſaid* M. *I.B. of* ——— *to the ſaid* W. M. *his ſaid* Spouſe *and their foreſaids, of the* Reverſion *of the ſaids* Lands *and others above-wodſet with the* Pertinents, *and declaring the ſame to* Appertain *and belong to the ſaid* W.M. *& his foreſaids, heretably and irredeemably, in all time thereafter, as if the ſaid* Reverſion *had never been made nor granted dated the ſaid* Renunciation *and* Diſcharge *the — day of ——— years* Regiſtrat *the — day of —— in the —* Regiſters.

SIGNATURE

SIGNATURE of Confirmation of Lands Wadſet (being an improper Wadſet) and uſually paſſes by Confirmation, but may by Reſignation, if the Party pleaſe.

OUR SOVERAIGN LORD, &c. Ordains a Charter to be made and paſt under His Majeſties Great Seal of the ſaid Kingdom, in due and competent Form, Ratifying, Approving, and for His Highneſs and his Royal Succeſſors perpetually confirming; Likeas His Majeſty with conſent foreſaid, by thir preſents, Ratifies, Approves, and for his Highneſs and his Succeſſors perpetually confirms, to, and in favours of *A. B.* of —, his Heirs and Aſſigneys whatſoever heretably, a Contract of Wadſet made and paſt betwixt *J. H.* of — with conſent of *C. D.* his Spouſe, for all Right of Liferent, Terce, and others whatſoever ſhe had or could pretend to the Lands and others after-ſpecified, and the ſaid *C. D.* for her ſelf, her own Right and Intereſt with his conſent, and both of them with one Conſent and Aſſent, and he taking Burden on him for her, to the effect therein-mentioned on the one part, and the ſaid *A. B.* of — on the other part, of the date — day of — and — years, whereby the ſaid *J. H.* and his ſaid Spouſe with one Conſent and Aſſent foreſaid, and taking burden as ſaid is, (for the Sum of — uſual Money of this Realm, borrowed and received by the ſaid *J. H.* from the ſaid *A. B.* in manner therein expreſt) Sold, Annalzied, Wadſet and Diſponed to the ſaid *A. B.* his Heirs and Aſſigneys whatſomever heretably, all and haill his Lands and others under-written, *viz.* (*here inſert the Lands, and where they ly, as in the Contract, and if the Teiths be diſponed with the Lands, let them alſo be inſert, and then ſay*;) and the ſaid *J. H.* with Coſent foreſaid, band and obliged him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid *A. B.* and his foreſaids, heretably in the ſaids Lands and others above-ſpecified, with the Pertinents, by double Infeftments and manner of Holdings to be holden *à me* or *de me*, in manner, with abſolute Warrandice, and under Reverſion, as is therein rehearſed: And farder, the ſaid *J. H.* with conſent foreſaid, aſſigned, transferred and diſponed to the ſaid *A. B.* and his foreſaids the Writs and Evidents of the ſaids Lands and others above-diſponed, with the Pertinents, and alſe aſſigned to them the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſamen, of the Crop and year of God, one thouſand ſix hundred and — years, and yearly and termly thereafter in time coming, during the not Redemption, but ſet in Back-Tack to the ſaid *J. H.* and his foreſaids during the ſaid not Redemption, for payment of the yearly Back-Tack-Duty therein ſpecified, and under the Penalty, and with the Quality therein-expreſt, and obliged him and his foreſaids to make payment to the ſaid *A. B.* and his foreſaids, of the ſaid Principal Sum of — Money above-written, at the Term of —, or at any other Term thereafter they pleaſed upon the Requiſition therein ſpecified, and under the Penalty thereinmentioned, attour performance, and alſo to do and perform the ſeveral other Things therein-expreſt, together with the Charter following on the ſaid Contract, Precepts of Seaſins contained in both, and Seaſin following on both Contract and Charter, in the haill Heads, Obligements, Articles and Clauſes thereof: And His Majeſty Wills and Grants, and for his Highneſs and his Succeſſors, with Conſent above ſpecified, Decerns and Ordains, that the foreſaid general Confirmation is, and ſhal be alle valid, ſufficient and effectual, and of alle great Force, Strength and Effect, to all intents and purpoſes, as if the ſaid Contract, Charter and Seaſins were word by word herein inſert, and as if the ſaid Confirmation were granted before taking of Seaſin of the ſaids Lands

and others foreſaids (8) albeit the ſame be not ſo done whereinent, and with all that may follow thereupon, or that can any ways be objected againſt the Validity of the ſaid Confirmation, and with all Nullities, Faults and Imperfections (if any be) contained in the ſaid Right confirmed: His Majeſty with Conſent foreſaid has diſpenſed, and ſo him and his Royal Succeſſors by thir preſents diſpenſes for ever, Safing and Reſerving always to his Majeſty and Royal Succeſſors, the Feu-duties, Blench-duties, and other Duties (if any be) due and payable to them furth of the ſaids Lands and others foreſaids, and contained in the ſaid *J. H.* his Right and Infeftment of the ſamen at any time before the ſaid Confirmation, and that the ſaid Charter be extended in moſt ample Form, and with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

Nota, *If the Heretor, or the perſon to whom the Wadſet is granted be deceaſed,* (*but* multo magis *the Heretor*) *then let theſe words be inſert in the Signature at the Figure* (8) *viz.* And deceaſe of the ſaid *J.H.* (meaning the Heretor) *and if the other be dead, then ſay,* before Deceaſe of the ſaid *A.B. and if both be deceaſed, then let the words added be,* before the deceaſs of the Granter and Receiver of the ſaid Wadſet.

2. Nota, *If the perſon to whom the Wadſet is granted be dead, then the Confirmation muſt be to his Son and Heir* nominatim *thus:* perpetually confirms to *C. B.* now of —— eldeſt lawful Son and Heir Served and Retoured to the deceaſt *A. B.* of —— and thereby having Right to the Wadſet after ſpecified, and to his Heirs and Aſſigneys whatſoever, a Contract of Wadſet (*as in the Signature*)

It may be inquired here, what is the Advantage the Party has by this Confirmation after his Fathers deceaſe? The Anſwer is clear: For if the Right were not confirmed, he could not be Vaſſal to the King (the Heretor as well as the Father) being dead, and the Father deceaſing Vaſſal to the Heretor, behoved to hold of his Heir or other Succeſſor, whereas by this Confirmation albeit a poſteriore, *the Right is no more baſe but publick, and the Heir of the perſon to whom the Wadſet was granted may ſerve Heir holding of the King (if immediat Superior to the Heretor)*

3. *But if the Heretor be alive it alters the Caſe, for the Wadſetters Heir may upon the Procuratory of Reſignation contained in the Contract, have Reſignation made in his own favours, and thereupon his Infeftment expede by Reſignation.*

SIGNATURE of the former proper Wadſet by way of Reſignation, and may be alſo a Rule to the Improper, if ſo paſt.

OUR *SOVERAIGN LORD* &c. *ORDAINS* an Charter to be made and paſt under his Majeſties Great Seal of his ſaid Ancient Kingdom in due and competent Form, Giveing, Granting, and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid, by thir Preſents Gives, Grants & diſpones, and for his Highneſs and his Succeſſors perpetually Confirms to *W. M.* of —— and I.H. his Spouſe, the longeſt Liver of them two in Conjunct-Fee and Liferent, and to the Heirs lawfully procreat, or to be procreat betwixt them, *Whilks* failzieing to the ſaid *W. M.* his other Heirs and Aſſigneys whatſomever heretably, (under Reverſion in manner after-ſpecified); *All* and *Haill* (*here inſert the Lands, and where they ly, as in the Contract of Wadſet, as alſo the Teiths,*

if

if diſponed with the Stock, and then ſay) Whilks Lands and others above-ſpecified, with the Pertinents pertained heretably of before to M. *J. B.* of —— and were be him and his Procurators in his Name to that effect lawfully Conſtitute, and patent Letters contained in the Contract of Wadſet, made and paſt betwixt the ſaid M. *J. B.* heretable Proprietor of the ſaids Lands and others foreſaids on the one part, and the ſaid *W. M.* of — and his ſaid Spouſe on the other part, of the date the —— day of —— years, duely and lawfully reſigned by Staff and Baſton as uſe is, in the hands of the Lords Commiſſioners of his Majeſties Theſaury and Exchequer of the ſaid Kingdom, having his Highneſs Power and Commiſſion to receive Reſignations in his Majeſties Name, and thereupon to grant new Infeftments, as in the Hands of his Highneſs Superior thereof, at —— the —— day of — In favours and for new Infeftment of the ſame, to be made and granted to the ſaid *W. M*, and his ſaid Spouſe, and their foreſaids in Liferent and Fee reſpective, to be holden in manner underwritten, and in ſuch due and competent Form as accords, redeemable always and under Reverſion by the ſaid M. *J. B.* and his foreſaids, from the ſaid *W. M.* his ſaid Spouſe and their foreſaids, whilks failzeing as ſaid is, by payment making to them of the Sum of —— uſual Money of this Realm, in manner, and upon the premonition ſpecified in the Contract of Wadſet, and other Sums therein-mentioned, and doing and performing the other Clauſes and Conditions therein-expreſt (and all here holden as repeated *brevitatis cauſa*) as Authentick Inſtruments taken thereupon in the hands of —— Nottar publick, in themſelves more fully proport. And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *W. M.* and his ſaid Spouſe, and their foreſaids, now, and in all time coming, at the Mannor-place, or principal dwelling-houſe of the ſaids Lands of —— (6) or upon the Ground of any other part or Portion of the ſaids haill Lands and others above diſponed, with the Pertinents, is and ſhall be as valid and ſufficient a Seaſin to them for all and ſundry the ſaids Lands and others foreſaids, as if a particular Seaſin were taken by them upon ilk Part and Portion of the ſame, and by Tradition of Earth and Stone allenarly, and without neceſſity of any other Symbol to be uſed for that effect, and notwithſtanding of their Diſcontiguity whereanent, and with all that may follow thereupon, or that can be any ways objected againſt the Validity of the ſaid Seaſin, His Majeſty with conſent forefaid has diſpenced, and by thir preſents, for him and his Royal Succeſſors diſpences for ever, to be holden, and for to hold the ſaids Lands and others foreſaids, to the ſaid *W. M.* his ſaid Spouſe, and their foreſaids; whilks failzeing as ſaid is of his Majeſty and Royal Succeſſors Superiors thereof, in Fee and Heretage for ever, (at leaſt during the ſaid not Redemption) by all Rights, Meiths and Marches of the ſame old and divided, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muires, *&c.* Miln, Miln-Lands, *&c.* Doves, Dove-coats, *&c.* Court Plent, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Givand* therefore yearly, the ſaid *W. M.* and his ſaid Spouſe and their foreſaids, whilks failzeing as ſaid is, at leaſt during the ſaid not Redemption) to his Majeſty and his Royal Succeſſors Superiors thereof, the Feu-duties, Blench-duties, and other Duties (if any be) due and payable to them furth of the ſaids Lands and others foreſaids, and contained in the ſaid *M. J. B.* and his Predeceſſors and Authors, their Rights and Infeftments of the ſame, at any time before the ſaid Reſignation, for all other Burden, Exaction, *&c.* redeemable always, and under Reverſion in manner above-expreſt, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

SIGNATURE *of Reſignation in favours of the Acquirer of Lands holden of the* KING.

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made and paſt under his Majeſties Great Seal of his ſaid ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually confirming; Likeas, His Majeſty with conſent foreſaid, by thir preſents, Gives, Grants and Diſpones, and for his Highneſs and his Succeſſors perpetually confirms to *A. D.* of —— his Heirs and Aſſigneys whatſoever, heretably and irredeemably, *All* and *Haill* (*here inſert the Lands and others, and where they ly, as they are in the diſpoſitive Clauſe of the Diſpoſition, and then ſay*) Whilks Lands and others above diſponed, with the Pertinents, pertained heretably of before to the deceaſt *M. J. B.* of ——, and were by him and his lawfully Procurators in his Name, and to that effect ſpecially conſtitute, and patent Letters contained in the Right and Diſpoſition made by him to the ſaid *A. D.* and his foreſaids of the ſame, dated the —— day of —— —— years, purely and ſimply by Staff and Baſton, as uſe is, duely and lawfully reſigned in the hands of the ſaids Lords Commiſſioners of his Majeſties Theſaury and Exchequer, having Power and Commiſſion to receive Reſignations in his Majeſties Name, and thereupon to grant new Infeftments, as in the Hands of his Highneſs, lawful Superior thereof at —— the —— day of —— in Favours, and for new Infeftment of the ſame, to be made and granted to the ſaid *A. D.* and his foreſaids, heretably and irredeemably as ſaid is, to be holden in manner under-written, and in ſuch due and competent Form as accords, as authentick Inſtruments taken thereupon in the hands of —— Nottar publick, in themſelves more fully is expreſt: And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *A. D.* and his foreſaids, now and in all time coming, at the Manor-place, or principal Dwelling place of the ſaids Lands of —— (*follow furth the reſt of the Diſpenſation in the former Signature from the Figure of* (6) *till ye come to the* Tenendas, *and then ſay*) To be holden, and for to hold all and ſundry the foreſaids Towns, Lands and others above diſponed, with the Pertinents, lyand as ſaid is to the ſaid *A. D.* and his foreſaids, Heretably and Irredeemably of his Majeſty and his Royal Succeſſors Superiors thereof, in Feu, Farm, Fee and Heretage for ever, by all Rights, Meiths and Marches of the ſame Old and Diviſed, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muires, *&c.* Milns, Multures, *&c.* Coals, Coal-heughs, *&c.* Doves, Dove-coats, *&c.* Cunnings, Cunning-gares, *&c.* Halking, Hunting, *&c.* Pears, Turffs, *&c.* Smiths, Smiddies, *&c.* Court, Plent, Herezeld, *&c.* with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* Givand therefore yearly the ſaid *A. D.* and his foreſaids, to his Majeſty and his Royal Succeſſors Superiors thereof (*here inſert the Feu-Duty* de verbo in verbum, *as in the Diſponers Charter, and then ſay*) for all other Burden, Exaction, *&c.* and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at.*

Signature

SIGNATURE *of Reſignation of Lands in favours of the Heir of the Acquirer, who died after Reſignation, but before he was Inveſt.*

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made, & paſt under his Majeſties Great Seal of his ſaid antient Kingdom, in due and competent Form; Giving, Granting, and Diſponing; and for his Highneſs, and his Royal Succeſſors, perpetually Confirming: Likeas, his Majeſty with Conſent foreſaid, by thir preſents, Gives, Grants, and Diſpons, and for his Highneſs, and his Succeſſors perpetually Confirmes to *A. B.* eldeſt lawful Son and Heir Served and Retoured to the deceaſt *J.* B. of —— his Heirs and Aſſigneys whatſoever, Heretably and Irredeemably, All and Haill (*here Inſert the Lands and others contained in the diſpoſitive Clauſe of the Diſpoſition, and where they ly, and then ſay*) *Whilks* Lands, and others above diſponed, with the Pertinents, *pertained* Heretably of before to *M. J. B.* of —— and were by him and his lawful Procurators in his Name, to that effect ſpecially conſtitute, and patent Letters contained in the Right and Diſpoſition, made by the ſaid *M. J. B.* to the ſaid deceaſt *J. B.* his Heirs and Aſſigneys of the ſame Heretably and Irredeemably, dated the —— day of —— —— years, purely and ſimply, by Staff and Baſton, as uſe is, duely and lawfully reſigned in the hands of the Lords Commiſſioners of his Majeſties Theſaury and Exchequer of the ſaid Kingdom, having Power and Commiſſion to receive Reſignations in his Highneſs Name, and thereupon to grant new Inſeſtments, as in the hands of his Majeſty immediat lawful Superior thereof, at —— the —— day of ——, in favours and for new inſeſtment of the ſame, to be made and granted to the ſaid deceaſt *J. B.* of —— his Heirs and Aſſigneys whatſomever heretably and irredeemably, to be holden of his Majeſty and Royal Succeſſors in manner under-written, and in ſuch due and competent Form as accords, as authentick Inſtruments taken thereupon in the hands of —— Nottar publick, in themſelves more fully proport; And to which Right and Diſpoſition, Inſtrument of Reſignation following thereupon, and Lands and others therein contained, the ſaid *A. B.* as Son and Heir foreſaid to his ſaid deceaſt Father, in whoſe favours the ſaid Diſpoſition was granted, and the ſaid Reſignation made, has ſufficient good and indoubted Right and Intereſt: And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *A. B.* and his foreſaids, now and in all time coming, at the Mannor-place, or principal Dwelling-houſe of the ſaids Lands of —— (*here take in the Diſpenſation for taking Seaſin in the Signature at the Figure 6 and then ſay*) To be holden, and for to hold, all and ſundry the ſaids Lands and others above-diſponed, with the Pertinents lying as ſaid is, to the ſaid *A. B.* and his foreſaids, of his Majeſty and his Royal Succeſſors Superiors thereof in Fee and Heretage for ever, by all Rights, Meiths and Marches of the ſame, old and divided, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muires, *&c.* Milns, Multures, *&c.* Halking, Hunting, *&c.* Coals, Coal-heughs, *&c.* Court, Plant, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giving* therefore yearly the ſaid *A. B.* and his foreſaids, to his Majeſty and his Royal Succeſſors Superiors thereof (*here inſert the Duty, whether Feu or Blench, according as the ſame are ſet down in the ſaid Diſponers Charter under the Great Seal, whether conſiſting in Victual, Money-Rent, Cuſtome or whatever it be, with the Terms of Payment as therein expreſt; And if the Lands hold Feu, the Duplication in the preciſe Terms therein contained, and then ſay*) for all o-

ther Burden, Exaction, *&c.* and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

SIGNATURE of Lands in favours of a Perſon who acquired the ſame from him, to whom diſponed by the Preprietar, before Infeftment enſued, and made Reſignation by vertue of the Procuratrie in his Authors Diſpoſition, to which he was aſſigned.

OUR SOVERAIGN LORD, *&c. Ordains* a Charter to be made and paſt under his Majeſties Great Seal of his ſaid Ancient Kingdom, in due and competent Form; Giving, Granting and Diſponing, and for his Highneſs, and his Royal Succeſſors, perpetually confirming; Likeas, his Majeſty with Conſent foreſaid, by thir Preſents, Gives, Grants and Diſpons, and for his Highneſs, and his Succeſſors perpetually confirms, to *M. T. M.* of — his Heirs and Aſſigneys whatſomever Heretably and Irredeemably, *All and Haill (here inſert the Lands and others diſponed, and where they ly, as in the Diſpoſition, and then ſay)* Whilks Lands and others above-ſpecified, with the Pertinents pertained heretably of before to *A. B.* of — and were by him diſponed, in favours of *C. D.* of — his Heirs and Aſſigneys whatſomever, Heretably and Irredeemably, conform to the Right and Diſpoſition granted thereanent, dated the — day of — — years, which contains Procuratrie of Reſignation, and divers other Clauſes conceived in favours of the ſaid *C. D.* and his foreſaids; Likeas the ſaid *C. D.* by his Right and Diſpoſition, of the date the — day of — laſt by paſt (for the onerous Cauſes therein-ſpecified) Sold, Annalzied and Diſponed to the ſaid *M. T. M.* and his foreſaids, Heretably and Irredeemably, the Lands and others above-mentioned, with the Pertinents, lying in manner foreſaid, and Aſſigned, Transferred and Diſponed in their favours, the Writes and Evidents of the ſaids Lands, and particularly the foreſaid Right and Diſpoſition made by the ſaid *A. B.* to him and his foreſaids of the ſame, Procuratrie of Reſignation, and haill remanent Heads, Obligements, Articles and Clauſes therein contained, in manner therein more fully expreſt; And ſicklike the ſaids Lands and others foreſaids, with the Pertinents, were by the ſaid *A. B.* and his lawful Procurators in his Name, to that effect ſpecially conſtitute, and patent Letters contained in the ſaid Right and Diſpoſition made by him to the ſaid *C. D.* and his foreſaids thereof, with all due Humility and condigne Reverence as becomes, purely and ſimply, by Staff and Baſton as uſe is, duely and lawfully reſigned in the hands of the ſaids Lords Commiſſioners of his Majeſties Theſaury and Exchequer, having Power and Commiſſion from his Highneſs to receive Reſignations in his Majeſties Name, and thereupon to grant new Infeftments, as in the Hands of his Highneſs Superior thereof, at — the — day of — In favours, and for new Infeftment of the ſame, to be made and granted to the ſaid *M. T. M.* as having Right in manner foreſaid, and to his Heirs and Aſſigneys above-ſpecified, Heretably and Irredeemably as ſaid is, to be holden of his Majeſty and his Royal Succeſſors in manner under-written, and in ſuch due and competent Form as accords, as authentick Inſtruments taken thereupon in the hands of — Nottar publick, in themſelves more fully proport: And his Majeſty with conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *M. T. M.* and his foreſaids, now, and in all time coming, at the Mannor-place, or principal dwelling-houſe of the ſaid Lands of — (*here take in the reſt of the Diſpenſation in the Signature*

ture Page 515. at the 6 Figure, and then ſay) To be holden, and for to hold the ſaids Lands, and others above-diſponed, with the Pertinents, to the ſaid *M. T. M.* and his foreſaids, of his Majeſty and his Royal Succeſſors Superiors thereof, in (4) Fee and Heretage for ever, By all Rights, Meiths and Marches of the ſame, old and divided, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muires, *&c.* Ways, Paſſages, *&c.* Milns, Multures, *&c.* Halking, Hunting, *&c.* Peits, Turffs, *&c.* Coals, Coal-heughs Doves, Dove-coats, Cunnings, Cunningares *&c.* Smiths, Smiddies, *&c.* Court, Plent, Herezald, *&c.* with all and ſundry other Liberties, *&c.* freely, quietly, *&c* but Revocation, *&c.* Giveand therefore yearly the ſaid *M. T. M.* and his foreſaids to his Majeſty and his Royal Succeſſors Superiors thereof (*here inſert the Reddendo of his Authors Charter*, de verbo in verbum, *and then ſay*) *pro omni alio onere*, &c. And that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at*

Nota, *If the Lands hold Feu, ſome Writers (and rationally) inſert at the figure* (4) *in the Tenendas*, In Feu, Farme, *and if the Lands hold Blench, they will inſert this Word* In free Blench, *and if a part hold* Feu, *and another part Blench, they will ſay*, In Feu Farme, *free Blench, and if a part ſhould not only hold both theſe ways, but alſo another part, either ſimple Ward or Taxt, they will add theſe words alſo, and then reſpective Fee and Heretage for ever, as in the former Signature, and whereof I form the next Signature with that Suppoſition, and in all the caſes.*

SIGNATURE *of Lands, Patronages, and others by Reſignation, Erected in a Barony holding Ward, Feu and Blench, with ſome Animadverſions.*

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made and paſt under his Majeſties Great Seal, of his ſaid Ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for His Highneſs and his Succeſſors perpetually confirming; Likeas, his Majeſty with Conſent foreſaid, by thir preſents, Gives, Grants and Diſponeſ, and for his Highneſs and his Succeſſors perpetually Confirms to *A. B.* of —— (4) his Heirs male and Aſſigneys whatſomever, Heretably and Irredeemably, All and Haill, the Towns, Lands, and others after-ſpecified, *viz.* (*here inſert all the Lands, Milns, Patronages, Teiths, and others as they are in the Diſpoſition, and where they ly, and if any of them be bounded, let it be inſert and not omitted, and then ſay*) Whilks Lands, Milns, Miln-Lands, Patronages, Teiths, and others above-diſponed, with the Pertinents pertained heretably of before to *C. D.* of — and were by him and his lawful Procurators in his Name, to that effect ſpecially conſtitute, and patent Letters contained in the Right and Diſpoſition made by him to the ſaid *A. B.* and his foreſaids, Heretably and Irredeemably of the ſame, dated the — day of —— years, with all due Humility and condign Reverence as becomes, purely and ſimply, by Staff and Baſton as uſe is, duely and lawfully reſigned in the hands of the ſaids Lords Commiſſioners of his Majeſties Theſaury and Exchequer, having his Majeſties Power to receive Reſignations in his Majeſties Name, and thereupon to grant new Infeftments, as in the hands of his Highneſs Superior thereof, at — the — day of — in favours, and for new Infeftment of the ſame, to be made and granted to the ſaid *A. B.* of —— his Heirs-male and Aſſigneys above-ſpecified, Heretably and

irredeemably to be holden of his Majesty and Royal Successors Superiors thereof, in manner underwritten, and in such due and competent Form as accords, as authentick Instruments taken thereupon in the hands of —— Notar publick, in themselves more fully proport; (6) and his Majesty taking to his Royal Consideration, the good and faithful Services done and performed to his Majesty and his most Royal Progenitors by the said *A. B.* and his Predecessors; therefore his Majesty with Consent foresaid, has Disunitted, Disannexed and Disjoyned, and by thir Presents Disunits, Disannexes and Disjoynes the saids Towns, Lands, Milns, Miln-Lands, Manner, Places, Houses, Biggings, Yards, Orchyards, Patronages, Teiths and others particularly and generally above-disponed, with the Pertinents from all Earldoms, Lordships, Baronies Tenendries and others to which they were formerly Annexed and Incorporat, and of New has United, Erected, Annexed, Creat and Incorporat, and by thir Presents of New Units, Erects, Annexes, Creats and Incorporats the same in an haill and free Barrony, to be called now and in all time coming the Barrony of —— (8) and Nominats, Designs and Appoints the Manner-place or Principal Dwelling-house Built or to be Built upon any part of the saids Lands and others foresaids, to be the Principal Messuage of the said Barrony, and that an Seasin to be taken by the said *A. B.* and his foresaids now and in all time coming thereat, or upon the Ground of any other part or portion of the saids Lands and others foresaids, is and shall be als valid and sufficient an Seasin to them for all and sundry the saids Towns, Lands, Milns, Miln-Lands, Patronages, Teiths and others particularly and generally above-disponed with the Pertinents, (all now United, Erected, Annexed and Incorporate in an haill and free Barrony in manner foresaid) as if an particular Seasing were taken by them upon ilk part and portion thereof, albeit the same be not sua done, and that by Tradition and Delivery of Earth and Stone (and without Necessity of any other Symbol to be used for that Effect) and notwithstanding the saids Lands and others foresaids ly discontigue, and within several Sheriffdoms, or other Jurisdictions, or Parochins, whereanent, and with all that may follow thereupon, or that can be any ways objected against the Validity of the said Seasin sua taken, his Majesty with Consent foresaid has Dispensed, and for his Highness and his Royal Successors by thir Presents Dispenses for ever, *to be holden*, and for to hold all and sundry the saids Towns, Lands, Milns, Miln-Lands, Patronages, Teiths, Mannor place, Houses, Biggings, Yards, Orchyards and others particularly and generally above-disponed, with the Pertinents lyand as said is, (and all now Unite, Erected, Annexed, Creat and Incorporat in an haill and feee Barrony, to be called now and in all time coming the Barony of —— in manner above-mentioned) to the said *A. B.* of —— and his Heirs Male and Assigneys above-specified, heretably and irredeemably as said is, of his Majesty and his Royal Successors Superiors thereof in (6) Ward, Feu, Farm, free Blench *Respectivè*, and in Fee and Heretage for ever, by all Rights, Meiths and Marches of the same, old and divided, as the same ly in length and breadth, in Houses Biggings, *&c.* Mosses Muirs, *&c.* Ways Passages, *&c.* Milns Miln-Lands, *&c.* Halking Hunting, Fishings, Coals, Coal-heughs, Doves, Dovecats, Cunnings Cunningaries, Smiths Smiddies, *&c.* Courts, Plents, Herezald, *&c.* Furk, Fosse, Sock, Sack, *&c.* Pit, Stocks and Gallows, *&c.* with free Ish and Entry, *&c.* and with all and sundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Give and* therefore yearly, the said *A. B.* and his foresaids to his Majesty and his Royal Successors Superiors thereof, the Respective Duties after-specified, *viz.* for the saids Lands of —— with the Pertinents the Rights and Services used and wont, and for the saids Lands of —— the Respective Feu-Duties underwritten, *viz.* (10) *here Insert the Respective Feu-Duties, whether the same consist in Victual or*

Mony

Mony, or both with the Customs, (*if any be*) payable, *and Insert the Respective Terms and Times when payable, and likeways Compearance at Head Courts or other Courts, and all other Services,* (*if any be*) contained in the Disponers Infeftment, which must be the Rule, *and in like manner Insert the Duplication according to the said Infeftment, whether it be of the whole* Feuduty, *Victual, Silver and Customs, or only of the* Silver-Duty, *and as to which the Infeftment is still the Rule and must be strictly observed,* and then say) and for the saids Lands of —— with the Pertinents lying as said is, (*here Insert the Blench Duty,* (*what ever it be*) *contained in the Infeftment,* and then say) and for the said Advocation, Donation and Right of Patronage of the said Paroch Kirks and Parochens of — and Teinds, Parsonage and Viccarage thereof, (*here Insert the Duty contained in the Infeftment of the Disponer,* and then say) *pro omni alio onere,* (11) &c. and that the said Charter be extended in most ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at*

SIGNATURE of Lands and others holden of the Crown, dissolved from al Earldoms, Lordships, Barronies and others, (*to which formerly Annexed*) *and Unite in one Barrony for the future, called* —— *and Appointing a Principal Messuage and one Seasin to be taken thereat,* (*or upon any other part of the Barrony, to be sufficient for the whole, this also contains distinct Holdings, Feu, Blench and Ward, and the simple Ward is Taxed with a* de novo damus, *it likeways contains an ample Confirmation of Kirk Lands, and of Lands holden of other Superiors, to Guard against Forefaultures and Liferent Escheats of these other Superiors, and lastly it contains an Confirmation to the Lady of her Jointure by Contract of Marriage, and because there are no Alterations betwixt this and the former Signature,* (*except that the Lands holden formerly Simple Ward are now Taxed with a* de novo damus, *and the several Confirmations*) *I shall suppose the same Persons in the former Signature to be the Disponer and Acquirer* brevitatis causa.

OUR *SOVERAIGN LORD &c. Ordains* an Charter to be made and past under his Majesties Great Seal of the said Ancient Kingdom, in due and competent Form, Giving, Granting and Disponing, and for his Highness and his Royal Successors perpetually Confirming, likeas his Majesty with Consent foresaid, by thir Presents Gives, Grants and Dispones, and for his Highness and his Successors perpetually Confirms to *A. B* of —— (*here take in the former Signature from the* (4) *figure till ye come to the* (6) and then say, *and* moreover his Majesty for many good faithful and singular Services done and performed to his Majesty and to his most Royal Progenitors by the said *A. B.* of — and his Predecessors, and for certain other good Causes and Considerations moving his Highness, and of his Majesties certain Knowledge and proper Motive (and with Advice and Consent foresaid,) has of new given, granted and Disponed, and for his Highness and his Royal Successors perpetually Confirmed, likeas his Majesty by thir Presents of New Gives, grants and dispones, and for his Highness and his Successors perpetually Confirms to the said *A. B.* of — and to his Heirs Male and Assigneys above-specified, heretably and irredeemably *All and Haill,* the saids Towns, Lands and others above and aftermentioned, *viz.* (*here take in all the Lands and others as in the Dispositive, Clause of the Disposition and Signature,* and then say) together with all Right Title, Interest, Claim of Right, Property & Possession, als well Petitor as Possessor, *Whilks* his (7) Majesty & his Royal Progenitors or Successors had, have, or any ways

may have Claim or pretend thereto in any time coming, or to the Mails, Farms, Profits and Duties of the ſame, or any part thereof, of whatſomever Years or Terms bygone or to come, by Reaſon of Ward, Nonentry, Relief, Marriage (and ſingle and double Avails thereof,) Eſcheats, Liferents, Forfaultures, Recognitions, Diſclamations, Purpreſtures, Baſtardy, Laſt Heir, Alienation of the haill or moſt part of the ſaids Lands and others foreſaids, or granting Rights of Annualrent, Wodſets, Liferents and other Infeftments thereupon, equivalent to the ſaid major part without Conſent of his Majeſty and Royal Progenitors had and obtained thereto, and of whatſomever nature they may be of, want of Confirmation, not payment of the Feu-Duties and other Duties, and Services due and preſtable furth thereof, Diminition of the Old penny Mail, Amitting and Tinning of the old Writs and Evidents of the ſaids Lands and others foreſaids, or not production of the ſame and new in due time, Reductions of Infeftments, Services and Retours, and other Rights of the ſame, or by vertue of whatſomever Clauſes irritant contained in the ancient or modern Infeftments thereof, not fullfilling the Conditions therein-mentioned, or by vertue of whatſomever Acts, Laws, Statutes and Conſtitutions of the ſaid Ancient Kingdom of *Scotland*, made or to be made in the contrair, or by any other manner of way, Right or Title whatſomever, for whatſomever Cauſe, Fact, Deed, Crime or occaſion bygone, preceeding the day and date of thir Preſents. *Renuncing*, Transferring and Overgiving the ſame with all Action and Inſtance *jure lite & cauſa*, competent or that may be any ways competent to his Majeſty and Succeſſors thereupon, in favours of the ſaid *A. B.* of —— and his foreſaids now and in all time coming, *cum pacto de non petendo*, and with Supplement of all Defects, Faults and Imperfections whatſomever, als well not named as named, bygone preſent and to come, *Whilks* his Majeſty for him and his foreſaids with Conſent above ſpecified, will have as for expreſt in the ſaid Charter, and in like manner his Majeſty for the Cauſes and upon the Conſiderations above-ſpecified, and with Conſent foreſaid has not only Diſunit and Diſjoyned, and by thir Preſents and Charter foreſaid Diſunits and Diſjoynes all and ſundry the ſaids Towns, Lands, Milns, Miln-Lands, Multures and Sequels thereof, Patronages, Teinds, Fiſhings, and others particularly and generally above-diſponed, with the Pertinents lyand as ſaid is, from all other Earldoms, Lordſhips, Barronies and others whereof they were formerly parts and thereto annexed, but alſo has of New United, Erected, Annexed, Creat and Incorporated, and by thir Preſents for his Highneſs and his Royal Succeſſors of New Unites, Annexes, Erects, Creats and Incorporats the ſame Towns, Lands, Milns, Miln-Lands, Multures and Sequels thereof, Patronages, Teinds, Fiſhings, and others particularly and generally above-mentioned, with the Pertinents in an haill and free *Barrony*, to be called now and in all time coming the Barrony of —— (*take in from the* (8) *figure in the former Signature till ye come to the* Reddendo, and then ſay) *Giveand* therefore yearly the ſaid *A. B.* and his foreſaids to his Majeſty and his Royal Succeſſors Superiors thereof, the Reſpective Duties after-ſpecified, *viz.* for the ſaids Lands of —— with the Pertinents, the Rights and Services uſed and wont, and contained in the Original Rights and Infeftments of the ſame, but with this expreſs Condition, Proviſion & Declaration always, likeas (6) by thir Preſents it is expreſly Provided & Declared, and his Majeſty for himſelf and his Royal Succeſſors with Conſent above-ſpecified, Appoints, Decerns and Ordains, and be it ſo expreſly Provided, Declared, Appointed, Decerned and Ordained by the ſaid Charter, that notwithſtanding the ſaids Towns, Lands, Milns, Miln-Lands and others immediatly above-mentioned, holden Ward as ſaid is, ſhall at any time hereafter happen to fall and become in the hands of his Majeſty or his Royal Succeſſors, by Reaſon of Ward or Nonentry, and either of them, yet it ſhall be ſtill leiſume

and

and lawful to and in the power of the ſaid *A. B.* of —— and his foreſaids by themſelves or Tennents, peaceably to Enjoy, Bruik and Poſſeſs the ſaids Lands and others foreſaids holden Ward, in manner foreſaid, and to intromet with, Uplift, Receive, Uſe and Diſpone upon the haill Maills, Farms, Cains, Cuſtoms, Caſualities, Profits and Dueties thereof in all time coming, during the haill ſpace, years and Terms of any ſuch Ward or Nonentry, for yearly payment to his Majeſty and Royal Succeſſors, of the Sum of —— uſual Mony of *Scotland*, at *Whitſunday* and *Martinmaſs* in Winter by equal portions, for the Ward, the like Sum for the Nonentry, alſmuch for the Relief, and the Sum of —— Mony foreſaid, for the Marriage of the Heir, ſingle and double Avail thereof, when the ſaids Caſualities ſhall happen to fall out and occur, (10) and to which Reſpective Dueties above-mentioned, his Majeſty of his Highneſs certain Knowledge and proper Motive, and by vertue of his Prerogative Royal and for the Cauſes and upon the Conſiderations above-ſpecified and with Conſent foreſaid, has Taxed, and by thir Preſents Taxes the ſaid Ward, Nonentry, Relief and Marriage, and haill Benefit and Caſuality thereof for ever in all time coming, and (now as if the ſaids Ward, Nonentry, Relief and Marriage were already fallen out and occurred, and then as now) his Majeſty for him and his foreſaids, (and with Conſent above-ſpecified) by thir Preſents and Charter foreſaid, Gives, Grants and Diſpones the ſaid Ward, Relief Nonentry and Marriage and haill Profites and Caſualities of the ſame in favours of the ſaid *A. B.* of —— and his foreſaids in all time coming, for payment to his Majeſty and his foreſaids, of the Taxed Ward-Duties above-mentioned, *In libita time* and Diſcharging hereby, and by the ſaid Charter the Lords of his Highneſs Treſaury and Exchequer, Lord Theſaurer for the time being, his Highneſs Theſaurer Depute and their Collectors and Under-receivers, his Majeſties Advocat, and all others his Highneſs Miniſters and Officers of State, from all farder Troubling, Moleſting, Charging, or Purſuing the ſaid *A. B.* of —— and his Heirs or their Succeſſors and Aſſigneys for and upon the Accompt of the ſaid Ward, Relief, Nonentry and Marriage, or either of them in any time coming, whenever the ſame ſhal happen to fall out and occur, (except for the Taxed Ward Duties above-mentioned) *And* farder his Majeſty with Conſent foreſaid, by thir Preſents and Charter to follow hereupon, gives full Power, Warrand and Commiſſion to the ſaid *A. B.* his Heirs Male above-ſpecified and their Succeſſors and Aſſigneys to Purchaſe Brevies out of his Highneſs and his Royal Succeſſors their Chancellary, in all time coming for obtaining themſelves duely and lawfully Served Heirs in Special to their Predeceſſors, who died laſt veſt and Seaſed, and that in the Towns, Lands and others above-ſpecified formerly holden Simple Ward, (and now Taxed in manner foreſaid) and the ſaids Brevies duely and lawfully Publiſhed, Served and Retoured to the ſaid Chancellary, with Precepts on the ſaids Retours for obtaining them accordingly Inſeft and Seaſed therein, notwithſtanding that the ſaids Lands and others foreſaids are holden of his Majeſty and his foreſaids, by Service of Ward and Relief, and notwithſtanding the ſaids Heirs be Minors for the time, and without Neceſſity of any other Warrand, Commiſſions or Diſpenſations for that Effect, whereanent, and withall that may follow thereupon, or that can be any ways objected againſt the ſame, or againſt the Judges or Inqueſt for any ſuch Service, or againſt the Sheriff, Baillies of Regalities and Stewartries, or their Deputs for giving of Seaſin: His Majeſty with Conſent foreſaid for him and his Succeſſors has diſpenſed, and by thir preſents and Charter foreſaid diſpenſes for ever, and Admit and Declare the ſaids Brevies, Services, Retours Precepts, Inſeſments and Seaſings to be als valid and ſufficient, and of als great Force, Strength and Effect, to all Intents and Purpoſes, as if the ſame were Raiſed, Led, Deduced and done after the ſaids Heirs their Attaining to

their full and perfect Age of twenty one years compleat, (8) *And likeways Give and* yearly the said *A. B.* and his foresaids to his Majesty and his Royal Successors as Superiors for the saids Lands of —— the Respective Feu-Duties after-specified, *viz. according to the former Signature from the Figure of* (10) *and thereafter the Blench* Reddendo usque ad finem, *I mean to the* (11) *Figure*, and then say) Attour his Majesty with Consent foresaid, and for the Causes and upon the Considerations above-mentioned. Ratifying, Approving and for himself and his *R*oyal *S*uccessors perpetually Confirming, likeas his Highness by thir Presents Ratifies, Approves, and for him and his foresaids with Consent above-specified, perpetually Confirms to and in favours of the said *A. B.* and his foresaids an Charter dated the —— day of —— —— years, made and granted by *I. M.* Bishop of —— with Consent of Dean and Chapter, to and in favours of *W. M.* of —— his Heirs and Assigneys therein specified, heretably of all and haill, (*here Insert all the Lands and what els contained in the Dispositive Clause of the Charter, and if the Teiths be Disponed with the Lands* qua decimæ Inclusæ, *let them also be Insert in the precise words of the Charter*, and then say) *to be holden of the said* I. M. and his Successors in the said See, in Feu, Farm, Fee and Heretage for ever with the Priviledges therein expreſt, and for payment of the Feu-Duty and other Prestations therein Rehearsed, and Seasin following on the said Charter, and whole Charters and other Rights of the saids Lands and others foresaids granted by his Majesties Royal Progenitors or by whatsoever Person or Persons Laick or Religious downward by progress until the same came in the Person of the said *A. B.* and his foresaids, together with the said *A. B.* his own Disposition and Right of the same granted to him and his foresaids by *H.* M. of —— late Heretor thereof dated the — day of —— —— years, Charter following thereupon, Precepts of Seasings contained in both, and Instruments of Seasin following on the same, as also the Right and Disposition dated the —— day of —— — years, granted by P. *H.* of —— to the said *W.* M. of —— and his foresaids heretably, of all and haill the Lands of —— (*here insert all the Lands and others contained iin the dispositive Clause*) to be holden of the said *P. H.* his Heirs and Successors, with the Priviledges, and for payment of the yearly Duty and other Prestations specified in the said Disposition, with the Charter following thereupon, Precepts of Seasins contained in both and Instruments of Seasins following on the same, and whole Rights of the saids Lands downward by Progress until the same came in the person of the said *A. B.* together also with the Right and Disposition made and granted by *I.* L. late Heretor thereof, in favours of the said *A. B.* and his foresaids of, the same heretably and irredeemably to be holden of the Granters Superior in manner and for payment of the Duty above-expreſt, dated the — day of —— —— years, Charter following thereupon, Precepts of Seasin contained in both, and Instruments of Seasing following on the same, *And* in like manner Ratifying, Approving, and for his Highness and his Royal Successors perpetually Confirming, Likeas his Majesty with Consent foresaid by thir Presents Ratifies, Approves, and for him and his foresaids with Consent above-mentioned, perpetually Confirms the Contract of Marriage made and past betwixt the said *A. B.* of —— (therein designed eldest lawful Son to the deceast *A. B.* of ——) with Consent of his said Father and the said deceast *A. B.* for himself, with Consent of his said Son, and both of them with one Consent and Assent on the one part, and Mistriss *A. H.* eldest lawful Daughter to Sir *I. H.* of —— Knight and Barronet, with Consent of her said Father, and the said Sir *I. H.* for himself with her Consent, and both of them with one Consent and Assent, and he taking Burden in and upon him for her, to the effect therein mentioned, on the other part, of the date the —— day of —— —— years, whereby the said deceast *A. B.* and his said Son with one Consent as said is, (for the Marriage

then

then Contracted, and thereafter Solemnized betwixt the said *A. B.* now of — and the said Mistress A. *H.*) band and obliged them conjunctly and severally their Heirs and Successors duely and sufficiently to Infeft and Sease the said Mistress *A. H.* in Liferent, during all the days of her Lifetime, in all and haill, (*here insert the Lands and others Liferented, as they are contained in the Obligment to infeft in the Contract*, and then say) and that by double Infestments and manner of Holdings *a nobis* or *de nobis*, and with Warrandice in manner specified in the said Contract, which contains diverse other Clauses conceived in favours of the said Mistres *A. H.* together with the Charter following on the said Contract, Precepts of Seasin contained in both, and Instruments of Seasins following on the same, in the haill Heads, Articles, Clauses, Provisions and Conditions contained in the haill Charters, Dispositions, Contract, and remanent Writes and Rights, particularly and generally above-confirmed; And his Majesty with consent foresaid, Wills and Grants, and for his Highness and his Royal Successors, Declares, Decerns and Ordains, that the foresaid Confirmation in the General as well as in the Special, is and shall be as valid and sufficient, and of as great Force, Strength and Effect to all Intents and Purposes to the said *A. B.* and his foresaids, and to the said Mrs. *A. H.* his Spouse, as if all the saids Charters, Seasins, Dispositions, Contract of Marriage, and other Writs and Evidents generally above-confirmed, were word by word herein Insert and ingrossed and as if the said Confirmation were granted before taking of Seasin, of all or either of the saids Lands, and decease of the said *A. B.* or his Predecessors and his or their Authors (granters or Receivers of the saids Rights) their decease, and as to the saids Kirk-Lands, as if the said Confirmation were granted before the year one Thousand five hundred fourscore seven, albeit the same be not so done: *Whereanent*, and with all that may follow thereupon, or that can be any ways objected against the Validity of the said Confirmation, and with all Nullities, Faults, and Imperfections (if any be) therein, or in the Rights themselves confirmed. His Majesty with Consent foresaid, has dispensed, and for him and his Royal Successors, (with Consent above-specified) by thir presents Dispenses, and Renunces, Over-gives and Discharges the same, in favours of the said *A. B.* now of — and his foresaids, and of his said Spouse for now and ever, safeing and reserving always to his Majesty and his Royal Successors the Feu-Duties, Blench-Duties, and other Duties (if any be) due and payable to them as Superiors, furth of the saids Lands and others above-specified, (the Rights whereof are confirmed as said is) and contained in the said Rights and Infestments, at any time before the said Confirmation. And his Majesty with consent foresaid, faithfully promises *in verbo principis*, to Ratifie the said Charter in this present or next Session of Parliament, willing his Highness Estates of Parliament to Ratifie the same accordingly, and that the said Charter be extended in most ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at.*

SIGNATURE of Lands fallen in the Kings hands by Recognition formerly Ward, and now Taxed, containing also a Dispensation for taking Seasin at one place for all, with Observations as to Feu and Blench Lands, if they occur, and if holden of other Superiors.

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made and past under his Majesties Great Seal of his said Ancient Kingdom, in due and competent Form, Giving, Granting and Disponing, and for his High-

nes and his Royal Succeſſors perpetually confirming. Likeas, his Majeſty with conſent foreſaid, by thir preſents, gives, grants and diſpones, and for his Highneſs and his Succeſſors perpetually confirms, to *G. D.* of — his Heirs and Aſſigneys whatſoever heretably, All and Haill (*here inſert the Lands fallen in Recognition, according as they are inſert in the Charter or Seaſin thereof, where may be detected from the Chancellary or Regiſter of Seaſins, and then ſay*) Whilk Lands and others above-diſponed, with the Pertinents lying as ſaid is, pertained heretably of before to *M. J. B.* of — holden by him and his Predeceſſors and Authors of his Majeſty and his moſt Royal Progenitors by Service of Ward and Relief, and now pertaining and belonging to his Majeſty, and fallen and become in his Highneſs Hands, and at his Gift and Diſpoſition, by reaſon of Recognition, Laws and Practique of his ſaid Majeſties ancient Kingdom, and inherent Priviledge of the Crown, through and by the ſaid *M. J. B.* and his ſaids Predeceſſors and Authors, or one or other of them, their Alienation and Diſpoſition thereof, or *major pars* of the ſame, Heretably and Irredeemably, or by granting Wadſets, Rights of Annualrent, and Annuity, or Security for money, or Prætration of other Facts and Deeds equivalent and correſpondent to the ſaid *major pars*, or by whatſoever other manner of way the ſame has fallen & become in his Majeſties hands, or in the hands of his ſaid moſt Royal Progenitors (all here holden as for expreſt, *brevitatis cauſſa*) And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *G. D.* and his foreſaids, now and in all time coming, at the Manor-place, or principal Dwelling-houſe of the ſaids Lands of — or upon the Ground of any other part or portion of the ſaids Lands, and others above-diſponed, with the Pertinents, is and ſhall be als valid and ſufficient, ane ſeaſin to them for all and ſundry the ſaids Lands and others foreſaids, as if a particular Seaſin were taken by them upon ilk part and portion thereof, and that by Tradition, and delivery of Earth and Stone of the ſame, without neceſſity of any other Symbol to be made uſe of for that effect, and notwithſtanding they ly diſcontigue, in diverſe Parochins or Juriſdictions, and without reſpect of any other part or place, deſigned and appointed for taking Seaſin thereof; by the Original Rights and Inſeftments of the ſame before the date hereof, Where-ment, and with all that may follow thereupon, or that can be any ways objected againſt the Validity of the ſaid Seaſin: His Majeſty with Conſent foreſaid has diſpenſed, and by thir preſents for him and his Royal Succeſſors diſpenſes for ever; *To be holden*, and for to hold the ſaids Towns, Lands, and others above-diſponed, with the Pertinents, to the ſaid *G. D.* and his foreſaids, of his Majeſty and his Royal Succeſſors Superiors thereof, in Taxt, Ward, Fee and Heretage for ever, by all Rights, Meiths and Marches of the ſame, Old and Divided, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muirs, *&c.* Ways, Paſſages, *&c.* Mills, Miln-Lands, *&c.* Coals, Coal-heughs, Doves, Dove-coats, Cunnings, Cunnin-gares, Smith, Smiddies, *&c.* Court-plent, *&c.* with free Iſh and Entry, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giving* therefore yearly the ſaid *G. D.* and his foreſaids, to his Majeſty and his Royal Succeſſors Superiors thereof, the Rights and Services uſed and wont to be payed furth of the ſame, but with this expreſs Condition, Proviſion and Declaration always; Likeas, (*here take in the Clauſe of the Taxing in the Signature*, page 522 *from the* (6) *Figure to the* (8) *and then ſay*, for all other Burden, Exaction, *&c.* (9) and his Majeſty faithfully promiſes *in verbo Principis*, to Ratifie, Approve and Confirm the ſaid Charter in this or next Seſſion of Parliament; Willing and Conſenting, that his Majeſties Eſtates of Parliament, Ratifie, Approve and Confirm the ſame accordingly, and that the ſaid Charter be extended in moſt ample

ample Form, with all Clauſes needfull, and that Precepts be orderly direct hereupon in form as effeirs. *Given at*

Nota, *Some Writters at times uſe, and not without Advice of Lawers, to add the Clauſe following, at the* (9) *Figure in the former Signature, viz.* And his Majeſty with Conſent foreſaid, by thir preſents, Aſſigns, Transfers and Diſpones to and in favours of the ſaid *G. D.* and his foreſaids, the haill Contracts, Diſpoſitions, Charters, Infeftments, Procuratries and Inſtruments of Reſignation, Precepts and Inſtruments of Seaſin, Decreets of Declarator, and Indentures of Marches, and all other Writs, Evidents, Rights, Titles and Securities made and granted by whatſoever Perſon or Perſons, to the ſaid *M. I. B.* or his Predeceſſors or Authors, of upon and concerning the ſaids Lands and others above diſponed, with the Pertinents of whatſomever Dates, Tenors, Contents, Nature or Quality the ſame be of (*all here holden as for expreſt* Brevitatis Cauſa) and now pertaining and belonging to his Highneſs, by reaſon foreſaid, and all Action of Warrandice, and other Action, Purſute, Inſtance and Execution whatſomever competent or that may be competent to his Majeſty or his foreſaids thereupon, for now and ever. *And for my own part, I have uſed the like Clauſe in Gifts of Forfeiture, and good reaſon for it, but in this ſeldom or never, for the Gift of the Property being gifted, the Right of the Writes and Evidents fall in conſequence, and ſo Writers may inſert the Clauſe or not at pleaſure.*

Nota, *At times Kings feu out Lands for payment of a certain Feu-Duty,* cum pacto de non vendendo & non contrachendo, *In which caſe (as well as Ward) Recognition is incurred, and in that caſe muſt be made the ground of the Gift.*

SIGNATURE of Lands, as well Field as Burgage, fallen in the King's hands, by reaſon of Baſtardy, with ſome Obſervations when they hold Ward or Burgage.

OUR SOVERAIGN LORD, &c. Ordains a Charter to be made and paſt under His Majeſties Great Seal of the ſaid Ancient Kingdom, in due and competent Form, Giving, Granting, and Diſponing, and for His Highneſs and his Royal Succeſſors perpetually confirming; Likeas His Majeſty, with conſent foreſaid, by thir preſents, Gives, Grants and Diſpones, and for him and his Succeſſors perpetually confirms, to *A. B.* of ——, his Heirs and Aſſigneys whatſoever heretably, and irredeemably, *All* and *Haill*, (*here inſert all the Feild Lands, as alſo ſuch Tenements, Yards and others as belonged to the perſon deceaſed* (*whom I call* W. M. *of* —) *according as the Lands are deſigned, and the Tenements, Yards and others bounded by the Defunct's Infeftments, and then ſay*) Whilks Lands, Tenements, Yards, and others above-diſponed, with the pertinents lying and bounded as ſaid is, pertained heretably of before, to W. *M.* of —— and now appertain and belong to his Majeſty, and are fallen and become in his Highneſs hands, and at his Gift and Diſpoſition, by reaſon of Baſtardy, Laws and Practique of his ſaid Kingdom, and inherent Priviledge of the Crown, through and by the ſaid deceaſt W.M. his being born Baſtard, and deceaſing Baſtard without Heirs lawfully begotten of his own Body, or Diſpoſition lawfully made by him thereof at any time in

his Lifetime, or by whatſoever manner of way the ſame has fallen and become in his Highneſs hands, and at his Gift and Diſpoſition (here holden as for expreſt, *brevitatis cauſa*) diſpenſing with the generality foreſaid for ever. And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid *A. B.* and his foreſaids, now and in all time coming, at the Manor-place, or principal dwelling-houſe of the ſaids Lands of —— or upon the ground of any other part or portion of the Lands and others above-diſponed, with the Pertinents (except what holden Burgage) is and ſhall be als valid and ſufficient a Seaſin to them, for all and ſundry the ſaids Lands and others above mentioned (excepting in manner as is above-exceped) as if a particular Seaſin were taken by them upon ilk Part or Portion thereof, albeit the ſame be not ſo done, and that by Tradition and delivery of Earth and Stone, without neceſſity of any other Symbol to be uſed for that effect, and notwithſtanding the ſaids Lands and others foreſaids ly diſcontigue, and in divers Parochins or Juriſdictions, whereanent and withal that may follow thereupon, or that can be any ways objected againſt the Validity thereof. His Majeſty with conſent foreſaid has diſpenſed, and by thir preſents for him and his Royal Succeſſors diſpences for ever, to be holden, and for to hold all and ſundry the ſaids Lands, Tenements, Yards, and others above-diſponed, with the Pertinents to the ſaid *A. B.* and his foreſaids, of his Majeſty and his Royal Succeſſors Superiors thereof, in Fee and Heretage for ever, by all Rights, Meiths, and Marches of the ſame, Old and Divided, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muires, *&c.* Ways, Paſſages, *&c.* Milns, Multures, *&c.* Halking, Hunting, *&c.* Peits, Turffs, Coals, Coalheughs, Doves, Dove-Coats, Cunnings, Cunningares, Smiths, Smiddies, *&c* with Court-plent, *&c.* free Iſh and Entry, and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation. *&c. Giving* therefore yearly the ſaid *A. B.* and his foreſaids to his Majeſty and his Royal Succeſſors Superiors thereof, the reſpective Duties under-written, *viz.* for the ſaids Tenements, Yards, and others lying within the ſaid Burgh of —— the Services of Burgh uſed and wont, and for the haill remanent Lands and others above-diſponed, with the Pertinents, the Feu-duties, Blench-duties, and other Duties (if any be) due and payable to them furth of the ſame, and contained in the ſaid deceaſt *W.* M. of ——, and his Predeceſſors and Authors, their Rights and Infeftments of the ſame, at any time before the granting of thir preſents, and at the Terms and Times therein-expreſt, for all other Burden, Exaction, *&c.* and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

Nota, *As to the Burgage-Lands, ſome Writers drew Signatures of this Nature by way of Preſentation, to be expede the Quarter-Seal, which was wrong, and does not parallel with that caſe where Subjects are Superiors, which goes by Preſentation, indeed, becauſe Soveraignity cannot be ſubjected to hold of any Subject, when the like by Foreſaulture, Baſtardy Laſt Heir, &c. falls out, and in this caſe, the Tenement, Yards, and others within-Burgh holding of the King* in Libro Burgagio (*and not of the Magiſtrats, who were but the Kings* Baillies) *muſt and ſhould paſs the whole Seals, as all Property,* (*not coming in the Kings hands, and holden of Subjects as ſaid is*) *do, only in the Charter under the Great-Seal, the Precept as to what* Burgage *ſhould be direct to the Provoſt and* Baillies, *who only can give Seaſin of Burgage Lands, and the Town-Clerk by Act of Parliament muſt be Nottar thereto, but as to all the other Lands in the*

the Signature (not holden Burgage) the Precept in the Charter is to be direct in the uſual way and Form of Chancellary, according as the Lands ly, whether within a Shire, Regality or Stewartry.

But in caſe there be Lands that hold not of the King Burgage, but of the Magiſtrats and Council of the Burgh, and their Succeſſors in Place and Office, then as to theſe it goes by Preſentation under the Quarter-Seal, as that holden of other Subjects, and a Stile whereof ye have a part amongſt what paſſes the Quarter-Seal only, for which ſeek the Index.

If any of the Lands fallen in the Kings Hands by reaſon of Baſtardy, (That of Burgage excepted) hold by Service of Ward and Relief, then the ſame (if it can be obtained by the Kings Favour) may be Taxed, as to the Ward, Relief, Nonentry and Marriage, according to the Stile of the former Signature, Page 522

There is an Obſervation I reſolve to make upon Lands feued out by the King cum Maritagio, *and likeways upon Lands feued out (without the Marriage) but* cum pacto de non vendendo aut alienando, & non contrahendo, *(which with what I have ſeen in ſuch caſes) I leave in the laſt place of all the Signatures paſt in Exchequer.*

SIGNATURE of Lands fallen in the Kings Hands as Ultimus Hæres, *ſuppoſing they hold Blench or Feu, with ſome Obſervations when any of them hold Ward or Burgage, and how in that the caſe alters.*

OUR *SOVERAIGN LORD* &c. *ORDAINS* an Charter to be made and paſt under his Majeſties Great Seal of his ſaid Ancient Kingdom in due and competent Form, Giveing, Granting, and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid, by thir Preſents Gives, Grants & diſpones, and for his Highneſs and his Succeſſors perpetually Confirms to *A. B.* his Heirs and Aſſigneys whatſomever, Heretably and Irredeemably, *All* and *Haill* (*here inſert the Lands as they are in the laſt Infeftment, and then ſay*) Whilks Lands and others above diſponed, with the pertinents, pertained heretably of before to the deceaſt *J. H.* of —— and now pertain and belong to his Majeſty, and are fallen and become in his Highneſs Hands, and at his Royal Gift and Diſpoſition, by reaſon of *Ultimus Hæres*, Laws and inviolable Practique of his ſaid Majeſties Ancient Kingdom, and inherent Priviledge of the Crown, by and through the ſaid *J. H.* his deceaſe, without Heirs lawfully begotten of his own Body, or any other perſon within the Tenth Degree of Kine, who *Jure Sanguinis* may ſucceed to him therein, or Diſpoſition lawfully made by him thereof, to any other perſon or perſons, at any time in his Lifetime, or by whatſoever other manner of way the ſame have fallen in his Majeſties hands, or in the hands of his Highneſs moſt Royal Progenitors (here, and in the ſaid Charter holden as for expreſt *brevitatis cauſa*) diſpenſing with the generality foreſaid for ever, and his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaid A. *B.* and his foreſaids, now and in all time coming, at at the Mannor place, or principal Dwelling-Houſe of the ſaids Lands of —— (*here take in the reſt of the Diſpenſation as in the Signature*, Page 515. *at the* 6 *Figure*, uſque ad finem) *only in the Tenendas leave out theſe words*, at leaſt during

during the said not Redemption, *and in the Reddendo leave out the same words as also these words*, redeemable always and under Reversion, in manner above-expreſt, *because the former Signature is of a Wadset, but this of a free and absolute Gift.*

Nota, *If any of the Lands hold simple Ward, they may be Taxed with a* de Novo Damus, *according to the Stile of the Signature* Page 521 *And if any of the Lands hold Burgage, observe the Stile of the former Signature*, Page. 527

SIGNATURE *by way of Confirmation of Lands holden of the King, Ward, Blench, or Feu.*

OUR SOVERAIGN LORD, *&c.* Ordains a Charter to be made and past under his Majesties Great Seal of his said ancient Kingdom, in due and competent Form, Ratifying, Approving, and for his Highness and his Royal Successors perpetually confirming; Likeas, His Majesty with consent foresaid, by thir presents, Ratifies, Approves, and for him and his Successors perpetually confirms the Right and Disposition, dated the —— day of —— years, made and granted by *A. B.* of —— heretable Proprietar of the Lands and others after specified, to and in favours of *M. I. B.* of — his Heirs-Male and Assigneys whatsoever, Heretably and Irredeemably, of *all and haill* (*here insert the Lands, and where they ly, as in the Disposition, as also the Teiths if disponed with the Lands*) and whereby the said *A. B.* band and obliged him his Heirs and Successors, duely and sufficiently to Infeft and Seale the said M J. B. and his foresaids, heretably and irredeemably therein, by double Infeftments and manner of Holdings, to be holden *à me* and *de me*, and with absolute Warrandice in manner therein expreſt, and likeways Assigned, Transferred and Disponed in favours of the said M. J. B. and his foresaids, the Writs and Evidents of the saids Lands, and others above-specified, and Mails and Duties of the same, of the Crop and year of God —— years, and thereafter in all time coming, together with the Charter following upon the said Disposition, and Precepts of Seasin, contained in both, & Instruments of Seasin following, or competent to follow on the same, in the haill Heads, Articles and Clauses thereof; And his Majesty with Consent foresaid, Wills and Grants, and for his Highness and his Royal Successors, Decerns and Ordains the foresaid General Confirmation to be als valid and sufficient, and of alse great Force, Strength, and Effect, to all Intents and purposes, as if the said Disposition, Charter and Seasins were word by word herein insert and ingroſt, and as if the said Confirmation were granted before taking of Seasin, albeit the same be not so done, whereanent, and with all that may follow thereupon, or that can be any ways objected against the Validity thereof, and with all Nullities, Faults and Imperfections (if any be) in the saids Rights. His Majesty with consent foresaid, has dispenced, and for his Highness and his Royal Successors by thir presents dispenses for ever; *Safeing and Reserving* always to his Majesty, and his Royal Successors, the Feu-duties, blench-duties, & other Duties (if any be) due & payable to them as Superiors furth of the saids Lands and others foresaids, and contained in the said *A. B.* of — his Rights and Infeftments of the same at any time before the said Confirmation, for all other Burden, Exaction, *&c.* and that the said Charter be extended in most ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at*

Signature

SIGNATURE of Confirmation in favours of a Liferentrix of Lands holden of the King.

OUR SOVERAIGN LORD *& Ordains* a Charter to be made & paſt under his Majeſties Great-Seal of the ſaid Ancient Kingdom, in due & competent Form, Ratifying and Approving, and for his Highneſs and his Royal Succeſſors, perpetually confirming; Likeas, his Majeſty with conſent foreſaid, by their preſents Ratifies, Approves, and for his Highneſs and his Succeſſors perpetually confirms (4) the Contract of Marriage made and paſt betwixt *A. B.* eldeſt lawful Son to *C. B.* of —— with the ſpecial Advice and Conſent of his ſaid Father, and the ſaid *C. B.* for himſelf, with Conſent of his ſaid Son, and both of them with one Conſent and Aſſent one the one part, and Miſtreſs *J. H.* eldeſt lawful Daughter to *S. W. H.* of — with Conſent of her ſaid Father, and the ſaid *S. W. H.* with her Conſent, and both of them with one Conſent and Aſſent, and he taking Burden in and upon him for her, to the effect therein-ſpecified, on the other Part, of the date the---dayof—— years, whereby the ſaid *C. B.* of —— in Contemplation (of the Marriage then contracted, and thereafter ſolemnized betwixt the ſaid *A. B* his eldeſt lawful Son, and the ſaid Miſtreſs *J. H.*) band & obliged him his Heirs & Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid Miſtreſs *J. H.* in Liferent, during all the days of her Lifetime, in *all and haill (here inſert all the Lands, and others provided to the Gentle-woman by Contract, as they are ſet down in the Obligment to infeft, & where they ly, and then ſay)* and that Be double Infeftments and manner of Holdings, the one thereof to be holden of the ſaid *C. B.* and his Heirs and Succeſſors, in free Blench, for payment of one Penny *ſcots* Money at the Feaſt and Term of *Whitſunday*, yearly in name of Blench Farm, if it be asked allenarly, and the other of the ſaids Infeftments, to be holden of his Majeſty and Royal Succeſſors, as Supperiors thereof, ſicklike, and alſe freely in all Reſpects as the ſaid *C. B.* held, or might hold the ſame himſelf, and by Reſignation or Confirmation in the Option of her ſelf or Friends, the acceptation of the one, to be no ways prejudicial to the other, and to Grant, Subſcribe and Deliver to her, Charters containing Precepts of Seaſin, and all other Securities requiſite thereanent, with Warrandice againſt all Evictions, in manner therein-expreſt, and whereby the ſaid *C. B.* obliged him and his foreſaids, that the ſaids Lands and others above-ſpecified, provided to the ſaid Miſtreſs *J. H.* in Liferent as ſaid is, were really worth of yearly free Rent (attour Feu and Teind, *D*uties, Miniſters and School maſters Stipends, and all other Ground-duties, due and payable to the Superior, or Kirk, or Titular of the Teinds,) the Number and Quantity of — Chalders Victual, of the Quality therein reharſed, and —— Silver Rent, beſides the uſual Cuſtoms and Caſualities, Ariages and Carriages. and ſhould be ſo much worth, and pay no leſs the time of her Entry thereto (in caſe at the pleaſure of God ſhe ſurvived her ſaid Husband) As alſo made, conſtitute and Ordained the ſaid Miſtreſs *J. H.* in Liferent, during her ſaid Lifetime, his indoubted Ceſſioner and Aſſigney, in and to the Tacks, Prorogations, Valuations, and other Rights and Securities made and granted to him, his Predeceſſors, Cedents and Authors of, upon, and concerning the Teind-ſheaves, and Parſonage Teinds of the ſaids Lands, and others foreſaids, and all Action competent thereupon during her ſaid Lifetime, and in caſe of Expiration thereof, to Purchaſe, Procure and Obtain, new Tacks and *R*ights thereof from time to time, in her perſon, at leaſt in the perſon of himſelf, his Heirs and Aſſigneys, and to aſſign the ſame to her during the ſaid ſpace, and as a

part of her ſaid Joynter, and that free of any Trouble or Expenſe to her, (6) together with the Charter following on the ſaid Contract, and Precepts of Seaſin contained in both, and Inſtrument of Seaſin following, or competent to follow thereupon, in the hail Heads (8) Obligements, Arlicles and Clauſes thereof, conceived in favours of the ſaid Miſtreſs *J. H.* *And* his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains the foreſaid general Confirmation, to be alſe valid and ſufficient, and of alſe great Force, Strength and Effect, to all Intents and Purpoſes, as if the ſaid (9) Contract of Marriage, Charter and Seaſin were *de verbo in verbum* herein inſert and ingroſt, and as if granted before taking of Seaſin, albeit not ſo done, whereanent and with all that may follow thereupon, or that can be any ways objected againſt the validity of the ſaid Confirmation or Right, and with all Nullities, Faults and Imperfections (if any be) therein, his Majeſty with Conſent foreſaid has diſpenced, and by thir preſents for him and his Royal Succeſſors, Diſpenſes and Renunces, Overgives, and Diſcharges the ſaids Faults, Nullities and Imperfections, in favours of the ſaid *M. J. H.* for ever; *Saſing* and Reſerving always to his Majeſty, and his foreſaids, the Feu-Duties, Blench-Duties, and other Duties (if any be) due and payable to them furth of the ſaids Lands and others foreſaids, and contained in the ſaid *C.* B. and his Predeceſſors and Authors their Rights and Infeftments of the ſame, at any time before the ſaid Confirmation, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

Nota, *At times Husbands augment their Ladies Joyntures, by a Bond of Proviſion a part, relative to the Contract of Marriage, with this or the like Subſumption,* viz. *That the Ladies Joynture is ſmall, and God having bleſſed him with a more opulent Fortune than he had by his Father, and being ſenſible of her Vertues and good Management, which was no ſmal help ard riſe to his better Beeing and Acquiſition; Therefore, and for the Love and Favour he has and bears towards her, he binds and obliges him his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe her in Liferent during all the days of her Lifetime (and Additionally to her former Joynture and Proviſion by Contract) in all and haill* (here inſert the Lands as in the Bond of Proviſion, and then ſay) *By double Infeftments and manner of Holdings to be holden* à me *or* de me, *(as in the Right) Now if ſuch a caſe fall out, it may be confirmed alſe well as the firſt Joynture, either in one or* ſeparatim, *and if in one, take it in at the* (6) *Figure in the former Signature, and in thir Terms,* viz. *as alſo a Band of Proviſion granted by the ſaid* A. B. *to the ſaid Miſtreſs* J. H. *his Spouſe dated the —— day of —— —— years, whereby he band and obliged him, his Heirs and Succeſſors (for the Cauſes, and upon the Conſiderations therein expreſt, and additional to her former Joynture by Contract of Marriage, and to which alſo the ſaid Bond is relative) duely and ſufficiently, to Infeft and Seaſe the ſaid Miſtreſs* J. H. *his Spouſe in Liferent during all the days of her Lifetime, in all and haill the Lands of* —(here take them in as in the Bond, and where they ly, and then ſay) *And that by double Infeftments and manner of Holdings, to be holden* à me or de me, *in manner ſpecified in the ſaid Bond; After which follow furth the Stile of the former Signature* uſque ad finem, *only with this Alteration, whereas the former after the* (6) *figure bears,* Together with the ſaid Charter following on the ſaid Contract, add, *and Bond of additional Proviſion, and whereas the former bears,* and Precepts of Seaſin contained in both, *ſay in this caſe,* and Precepts of Seaſins contained

in

in all of them. *But if the Contract, Charter and Seaſin following t hereupon were formerly confirmed, and ſo the Bond of Additional Proviſion, only to be confirmed, then the Stile is eaſie, and runs thus.* Perpetually confirms *after the* (4) *figure*, a Bond of Additional Proviſion granted by *A. B.* now of —— to Miſtreſs *J. H.* his Spouſe, dated the —— day of —— —— years (relative to their Contract of Marriage, dated the — day of —— years, and Joynture thereby provided to her) whereby he (for the Cauſes, and upon the Conſiderations therein ſpecified, band and obliged him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe her in Liferent, during all the days of her Lifetime, (and Additionally to her former Joynture and Proviſion) in all and haill (*here the Lands and others are to be inſert as in the Bond, and then ſay*) And that by double Infeftments and manner of Holdings, to be holden *à me*, or *de me*, in manner ſpecified in the ſaid Bond, together with the Charter following thereupon, Precepts of Seaſin contained in both, and Seaſin following, or competent to follow on the ſame, *In the haill Heads*, (*here take in the Stile of the former Signature from the* (8) *figure* uſque ad finem, *only whereas in the former at the* 9 *figure, it bears*, as if the ſaid Contract of Marriage, *ſay in this*, as if the ſaid Bond of Additional Proviſion.

SIGNATURE of Lands, holden of the King Feu, Blench, and Simple Ward, fallen in his Highneſs hands by Forefeiture, moſt ample, with divers fine and neceſſary Clauſes; including a Confirmation of all Rights and Infeftments granted to the Perſons forefeited, or their Predeceſſors and Authors Baſe, and ad hunc effectum *allenarly, that the Donators may hold immediatly of the Crown, and not of the Diſponers, as formerly, but no ways as to a Reſtitution thereto of the perſon forefeited, and with a Taxing of the Lands holden Ward.*

OUR SOVERAIGN LORD, *&c*, taking into his Royal Conſideration, the great and eminent Services done and performed to his Highneſs, by *L. C. E. M. M. Th O.* and Cap ——*Cor.* and particularly in their Expedition to ——, with the Forces then under their Command, and by his Majeſties ſpecial Warrand, and how Loyally they behaved themſelves, with great Succeſs againſt thoſe then in Arms, to his Highneſs great Satisfaction, and firm Eſtabliſhment of the Peace of his Dominions, namely of his Ancient Kingdom of *S.* not without hazard of their Lives, and his Majeſty being willing to put a Character of his Royal Bounty and Favour upon them, as perſons moſt worthy and deſerving thereof: *Therefore* his Majeſty with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) *Ordains* a Charter to be made and paſt under his Majeſties Great Seal of the ſaid Ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually confirming; Likeas, his Majeſty with Conſent foreſaid, by thir Preſents, Gives, Grants and Diſpones, and for his his Highneſs and his Royal Succeſſors perpetually confirms, to the ſaid *L. C. E. M. T. O.* and *Cap. H. C.* their Heirs and Aſſigneys whatſomever heretably and by Tripartite Diviſion. *all and haill*, and all and ſundry the Lands, Barronies, Milns, Miln-Lands, Teinds, Patronages, heretable Offices and others after-ſpecified, ſometime pertaining to the perſons after-named, or at leaſt to which they might have ſucceeded *jure ſanguinis* to their Predeceſſors, *viz. All and Haill* the Lands and Barronie of *Cr*, lately pertaining to —— (*here all the*

Lands were taken in as in the Infeftments, and alſo all and haill the Lands and Barony of E. lately pertaining heretably to — *And in like manner all and haill the Lands and Barony of* — *lately pertaining to* — *Whilks* haill Lands, Barronies, Milns, Miln-Lands, Mannor-places, Houſes, Biggings, Yards, Orchards, Woods, Fiſhings, Patronages, Teinds, Heretable Offices, Moſſes, Muirs, Meadows, and others particularly and generally above diſponed, with the Pertinents pertained heretably of before to the ſaids —— of *Cr.* — of *E.* and — of *Ca.* at leaſt to their Predeceſſors, and to whom they are apperand Heirs, and may *jure ſanguinis* ſucceed, and now appertain and belong to his Majeſty, and are fallen and become in his Highneſs Hands, and at his Royal Gift and Diſpoſition, by reaſon of Eſcheat and Forefeiture Laws, and inviolable Practique of his Majeſties Ancient Kingdom aforeſaid, and inherent Priviledge of the Crown, through, and by the ſaids —— their being in a Juſtice-Court, holden within the Tolbooth of *Edinburgh*, upon the —— day of —— years, by his Majeſties Lord high Juſtice-General, and Lords of Juſticiary of the ſaid Kingdom, Convicted and found guilty by an Aſſiiſe of famous and condigne Perſons, of the Crimes of High-Treaſon, Rebellion and *Læſe-Majeſty* committed by them, the way and manner ſpecified in the Sentence and Doom of Forefeiture, given and pronunced againſt them the ſaid day, in manner as is therein more fully expreſt: *And farder*, His Majeſty (for the Cauſes and upon the Conſiderations above-ſpecified, and with Conſent above-mentioned) Ratifying, Approving, and for his Highneſs and his Royal Succeſſors perpetually Confirming, likeas his Majeſty by thir Preſents Ratifies, Approves, and for his Highneſs and his Royal Succeſſors perpetually Confirms, to and in favours of the ſaids Donators and their foreſaids, all and ſundry Contracts, Diſpoſitions, Contracts of Marriages, Charters, Infeftments, Procuratries and Inſtruments of Reſignation, Precepts and Inſtruments of Seaſing, Services, Retours and Preceps thereon, and Seaſings following on the ſaids Precepts, Contracts and Indentures of Marches, Tacks, Aſſedations, Valuations, Prorogations, Rights of Annuities, of Teinds, Appryſings, Adjudications, Charters and Seaſings following thereupon, Grounds and Warrands thereof, Sums of Mony therein contained, and thereby due of the Law, Reverſions Legal and Conventional, Diſcharges and Renunciations thereof, Rights of Annuity, Annualrents and other Duties yearly or Termlydue and upliftable furth of the ſaids Lands, Barronies, Teinds and others foreſaids, Precepts of *clare conſtat*, and Seaſings following thereon, and generally all other Writs, Evidents, Rights, and Securities whatſomever, and of whatſomever Dates, Tenors, Nature or Quality the ſame be of, made and granted by whatſomever perſon or perſons, to and in favours of the ſaids —— forfaulted as ſaid is, and of their Predeceſſors Cedents and Authors, or any ways introduced and conceived in their or either of their favours, or in favours of their Heirs and Aſſigneys, or led and deduced at their or either of their Inſtances, or whereunto they derive Right (either immediatly or by progreſs) or that may be interpret to appertain and belong to them, or in the perſon of any other for their uſe and Behoof, and all Backbonds and other Rights of Truſt granted, or competent in Relation thereto, of, upon, or concerning the ſaids Lands Barronies, Milns, Miln-lands, Woods, Fiſhings, Teinds, Patronages, heretable Offices, Mannor-places, Houſes, Biggings, Yards, Orchyards, and others particularly and generally above diſponed with the Pertinents, in the haill Heads, Articles and Clauſes thereof, *ad hunc effectum*, allanerly for ſecuring the ſaids Donatars, and their foreſaids, in the indoubted heretable and perpetual Right thereof, in all time coming, and that they may hold the ſame *in capite* of his Majeſty and Royal Succeſſors, and not of any Subject, from whom the ſame or any part thereof might have been acquired to be holden *à me* or *de me*, and not publickly confirmed by his Majeſty

ſty before the ſaid Sentence and Doom of Forfaulture, but no ways as to the Reſtauration of the ſaids perſons ſua Forefaulted, or their Heirs againſt the ſaid Sentence which is always to ſtand in full Force, Strength and Efficacy, conform to the Tenor thereof, as to the ſaids Lands and Eſtates now Gifted and Diſponed to the ſaids three Donators and their foreſaids in manner above-expreſt: *And* his Majeſty with Conſent foreſaid Wills and Grants, and for his Highneſs and his Royal Succeſſors Decerns and Ordains the foreſaid General Confirmation, (and for the end and purpoſe aforeſaid allanerly) to be als valid and ſufficient, and of als great Force, Strength and Effect, to all intents and purpoſes to the ſaids Donators and their foreſaids allanerly as ſaid is, as if the haill Writs and Evidents above ſpecified and generally confirmed in manner foreſaid, were *de verbo in verbum* herein inſert and ingroſt, albeit not ſua done. *Whereanent*, and with all that may follow thereupon, or that can be any ways objected againſt the Validity thereof, and with all Faults, Nullities and Imperfections, (if any be) in all or either of the ſaids Rights, His Majeſty (with Conſent foreſaid) has Diſpenſed, and by thir Preſents for him and his Royal Succeſſors Diſpenſes and Diſcharges, Overgives and Renunces the the ſame in favours of the ſaids Donators and their foreſaids for ever in all time coming, and Aſſigns and Diſpons in their favours the ſaids Writs and Evidents, and Haills, Profits, Duties, Feu-duties, and other Rents, Duties and Caſualities of the ſaids Lands & Eſtates with the ſaid Doom of Forefaulture, and Proceedings reſting and in all time coming, all Action competent to his Majeſty thereupon alſo for ever in and all time coming, and with power to them to perſue for Exhibition and delivery Implement and Fullfilling of the ſaids Writs and Evidents, and for payment of the ſaids Duties and Caſualities; and thereupon to grant Diſcharges, and to do what els the ſaids Forfaulted Perſons might have done therein before Forfaulture, or as his Majeſty might have done at any time ſince, and before the granting of thir Preſents. *Attour* his Majeſty of his Highneſs certain Knowledge and proper Motive, and by vertue of his Prerogative Royal for the Cauſes and upon the Conſiderations above-mentioned, and with Conſent foreſaid, of New Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid, by thir Preſents of New Gives Grants and Diſpones, and for his Highneſs and his Royal Succeſſors perpetually Confirms to the ſaid *L. C. E. M. T. O.* and *C. H. C.* Donators above-ſpecified, and to their Heirs and Aſſigney whatſoever heretably, by tripartite Diviſion as ſaid is, *All and Haill*, and all and ſundry the Lands, Barronies, Milns, Miln-lands, Teinds, Patronages, heretable Offices, and others above and after-ſpecified, ſometime pertaining to the perſons above-named, Forfaulted as ſaid is, or at leaſt to which they might have ſucceeded *Jure ſanguinis*, to their Predeceſſors in manner foreſaid, *viz. All and Haill*, (*here take in all the Lands and others as in the diſpoſitive Clauſe of the Signature*, and then ſay) together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, als well Petitor as Poſſeſſor, *Whilk* his (7) (*here take in the* de novo damus *and Clauſe of Diſſolution and new Erection in an Barrony, as in the former Signature*, page 521. *bearing this Title, Signature of Lands and others holden of the Crown, diſſolved from all* Earldoms, *&c. and that from the ſaid* (7) *figure till ye come to the* (8) *figure, and then take in the Diſpenſation for taking Seaſing as in the preceeding Signature*, page *bearing the Title Signature of Lands, Patronages and others by Reſignation untill ye come to the* Tenendas, and then ſay) *to be holden* and for to hold the ſaids haill Lands, Barronies, Milns, Miln-lands, Teinds, Patronages, heretable Offices, Woods, Fiſhings, Mannor-places, Houſes, Biggings, Yards, Orchyards, Annualrents, Annuities and others particulary and generally above-diſponed, with the Pertinents lying as ſaid is, to the ſaids *L. C. E. M.*

M. T. O. and *C. H. C.* (by a tripartite Division,) and their foresaids heretably, of his Majesty and his Royal Successors Superiors thereof, in Taxt-ward, Feu-farm, Free Blench, Fee and Heretage for ever, by all *Rights*, Meithes and Marches of the same, old and divided as the same ly in length and breadth, in Houses, Biggings, *&c.* Mosses Muirs, *&c.* Ways Passages, *&c.* Milns, Miln-lands, Multures, *&c.* Halking, Hunting, Coals Coal-heughs, Doves Dovecats, Cunnings, Cunningares, Smiths Smiddies, *&c.* Quarrie Lime and Stone, *&c.* with Court, Plent, Herezald, *&c.* Furk, Fosse, *&c.* Wrack-ware, *&c.* Pit Stocks and Gallows, *&c.* together with free Ish and Entry, *&c.* and with all and sundry other Liberties, *&c.* freely quietly, *&c.* but Revocation, *&c.* *Give and* yearly the saids L. *C. E. M.* M. *T. O.* and *C. H. C.* and their foresaids by a tripatite Division as said is, to his Majesty and his Royal Successors *S*uperiors thereof, the Respective Duties under-written, *viz.* for such of the saids Lands, Barronies, and others foresaids, as hold Feu or Blench of his Majesty and his most Royal Progenitors, the Feu-duties and Blench-duties due and payable to them furth thereof, and contained in the saids Persons Forfaulted as said is, or their Predecessors and Authors their Rights and Infeftments of the same, at any time before the said *S*entence and Doom of Forfaulture, and for the haill other Lands, *B*arronies, Milns, Miln-lands and others above-disponed with the Pertinents, not holden Feu or Blench, but by *S*ervice of Ward and Relief of his Majesty and his foresaids, *the Rights* and Services used and wont of before, to be payed furth of the same, but with this expres Provision, Condition and Declaration always, likeas his Majesty for him and his Royal Successors, by thir Presents and Charter foresaid (with Consent above-specified) expresly Provides and Declares, Statutes and Ordains that albeit it shall happen the saids Lands, Barronies, Milns, Miln-lands, Woods, Fishings, Teinds, Patronages, heretable Offices, and others particularly and generally above-disponed with the Pertinents, or any part or portion thereof, or any Annualrent, Annuity, or other Duty whatsomever due and payable furth of of the same, holden Ward of his Majesty in manner foresaid, to fall and become in the hands of his Highness or Royal Successors at any time hereafter, by Reason of Ward and Nonentry, or either of them; *Yet* nevertheless and notwithstanding thereof, it shal be still leisum and lawful to, and in the power of the saids three Donators by a tripartite Division as said is, and their foresaids, by themselves or their Tennents, peaceably to possess, Bruik and Enjoy the same, and Intromet with the Mails, Farms, Profits and Duties thereof, Set, Raise, Use and Dispone thereupon at their pleasure in all time coming, for payment yearly to his Majesty and his Royal Successors (in lieu and place of the former Rights and Services, and during any such Ward and Nonentry, or either of them) of the Sum of —— usual *M*ony of the said Realm of *Scotland*, at two Terms in the year, *Whitsunday* and *Martinmass*, in Winter by equal portions, with the like *S*um for the Relief, and of the Sum of — *M*ony foresaid for the *M*arriage of the Heirs, and single and double Avails thereof, when the same shal happen to fall out and occur, whereof each Heir a third, as their Predecessor shall happen to decease, the Interest being in a tripartite Division disponed and conveyed by his *M*ajesty, and so should bear but the like Proportion of the Taxt Ward, Duty, in manner above-expreft, (here take in the Remaining part of the Stile, add to the Taxing and Dispensation for the Heirs to enter, notwithstanding of their Minority and Nature of the Holding as in the former Signature, *page* 521 *Signature bearing this Title of Lands & others holden of the Crown*, & that from the figure (10) until ye come to the figure (8) with this Alteration *viz.* Whereas the former bears in favours of *A. B.* or to *A. B.* his Heirs and their Successors and Assigneys, in this say in favours of the saids three Donatrs by tripartite Division and their foresaids, and with power to the saids three

three Donators their Heirs Successors and Assigneys, (to Purchase Brieves as in the former Draught, till ye come to the said (8) figure, and then say) *Moreover* his Majesty Considering that some of the saids Lands above gifted and disponed may hold of some of his Subjects as immediat Superiors whereof, neither his Highness nor his saids Donators can at the time have certain Knowledge, so that in that Case, the manner of Conveyance aforesaid were not the habile way as to such of the saids Lands and others as may be so holden, and his Majesty being willing and desirous to give and propose a sutable Remedy, *Therefore* not only Nominating and Presenting, likeas his Highness with Consent foresaid, by thir Presents (and for preventing any prejudice, the saids other Superiors may sustain through want of Vassals) for him and his Royal Successors Nominats and Presents the saids three Donators by tripartite Division as said is, and their foresaids in Vassals and heretable Tennents, to the said other Superiors in such of the saids Lands and others above-mentioned, as hold of them; hereby requiring the saids other Superiors for the time and their Heirs and Successors in the Right of Superiority thereof, to enter and receive the saids Donators and their foresaids in Vassals and heretable Tennents to them therein, to be holden of the said other Superiors, the same way and manner, and for payment of the like Duties and Services (if any be) as the saids Forfaulted persons and their Predecessors Cedents and Authors, or either of them held the same, or payed and performed therefore at any time before the said Sentence and Doom of Forfaulture, and with the like Priviledges, Freedoms and Immunities as are contained and comprehended in the Ancient or Modern, Rights and Infeftments of the same, and the saids Donators and their foresaids doing and performing that Duty for their Entry, to the saids Superiors incumbent of the Law, & his Majesty with Consent foresaid (if need beis, and that the saids Donators and their foresaids desire the same) Ordains in the Case foresaid (and when such Lands and others as hold of the said other Superiors are certainly known from the Writs themselves, or from the publick Records & Registers of the said Kingdom) particular Presentations of the same to be past in Exchequer, in due and competent Form and Exped his Majesties Quarter-Seal in Form of Chancellary, in favours of the saids Donators and their foresaids and for which thir Presents shall be to his Highness, Lord high Thesaurer and Thesaurer-deput, or to the Lords of his Majesties Thesaury for the time, & to the haill Remanent Lords and others of his Highness Exchequer of the said Ancient Kingdom of *Scotland*, a sufficient Warrand, and without Necessity of any other Warrand, Gift or Presentation for that effect under his Highness Royal hand, and Dispenses therewith for ever. *And farder* his Majesty Recomends to, and Wills, that the Lords of his Highness Privy Councel order the saids Donators and their foresaids, their being put in the actual real and peaceable Possession of the saids Lands, Baronies and others above-disponed, with the Pertinents fallen in his Highness hand by Forfaulture as said is, and particularly of the Manor-places, Office-houses and others belonging thereto, and that the Keys thereof be delivered up to them, or any having their power and Warrand, and if the Keyes cannot be had that Patent Doors be made to them, and they put in the actual Possession as said is: And his Majesty farder orders and Commands the Lieutenant General of his Highness Forces within the said Kingdom, to see the same put in Execution accordingly, and for which thir Presents shal be to him and those under his Command likeways a sufficient Warrand; And in like manner his Majesty hereby Wills and Declares his Royal Pleasure to be, that the Lords of Council and Session within the said Ancient Kingdom in all Actions and Causes that may fall in and depend before them, (in relation to this present Gift and Donation, and Extent and Import thereof, and wherein any thing may seem dubious or admit of a double Sense,)

may interpret the ſame, and put the beſt and moſt plenary and ample Conſtruction thereupon, in favours of the ſaids Donators and their foreſaids, and to all Intents and Purpoſes, that either the Congruity of Stile or enargie and Force of Law will admit and allow of, and wherein beſides the due Courſe of Law they do his Majeſties acceptable Service; And laſtly his Majeſty faithfully promiſes *in verbo principis* to Ratifie this preſent Signature Charter and Seaſing to follow thereupon, and Sentence and Dcom of Forfaulture whereupon the ſame proceeds, and haill Procedure thereof in this currant or enſuing Parliament, Willing and Requiring his Highneſs Eſtates of Parliament to Ratifie, Approve and Confirm the ſame accordingly, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

SIGNATURE Conſtituting a Perſon and his Heirs and Succeſſors heretable Captains, Governours, Conſtables, and Keepers of an Caſtle belonging to the King, and diſponing the Rents and Caſualities pertaining to the ſame with an Additional Fee in their favours, pro Sallario, *and with Power to Subſtitute Deputs under them.*

OUR *SOVERAIGN LORD &c. Ordains* an Letter of Giſt and Charter to be made and paſt under his Majeſties Great Seal of the ſaid Ancient Kingdom in due and competent Form, *Making Mention* that his Majeſty taking to his Royal Conſideration the great, eminent and good and faithful Services done and performed by his Highneſs right Truſtee and right wel-Beloved Couſin and Familiar Counſellor *J. M.* of *A.* and his Predeceſſors, to his Majeſty himſelf and his moſt Royal Progenitors als well the time of War as Peace to the great Hurt and Deterioration of the ſaid *I. M.* of *A.* and his foreſaids, their Fortunes and Eſtates, yea and to the Effuſion of their own and thoſe that ingaged with and for them in his Majeſty and his Progenitors in the ſaid Services their Blood; and his Majeſty in Recognizance and Remuneration thereof, being always willing and ready to Confer an new and freſh Character of his Royal Bounty and Favour upon the ſaid *I. M.* of *A.* and his Succeſſors: Therefore Making, Conſtituting, Nominating, Creating and Appointing; likeas his Majeſty for himſelf add his Royal Succeſſors with Conſent foreſaid, by thir Preſents, Makes, Conſtitutes, Nominats, Creats and Appoints the ſaid *I. M.* of *A.* and his Heirs-male and Succeſſors heretable Captains Governours, Conſtables, and Keepers of his Majeſties Caſtle and Fortalice of —— lying within the Sheriffdom of —— for ever in all time coming, Giving, Granting, and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually Confirming; likeas his Majeſty (for him and his foreſaids and with Conſent above ſpecified) by thir Preſents Gives, Grants, and Diſpons, and perpetually Confirms to the ſaid *J. M.* of *A.* and his foreſaids the ſaid Place and Office of heretable Captains, Governours, Conſtables, and Keepers of the ſaid Caſtle and Fortalice of —— with the Caſtle-lands, Precinct-houſes, Biggings, Yards, Orchards, Milns, Woods, Fiſhings, Rooms, Poſſeſſions, Moſſes, Muirs, Greens, Outſets, Inſets, Annexes, Connexes, Dependences, Tennents, Tenendries, Services of free Tennents, Office and Juriſdiction of Conſtable, and haill Privileges and Benefit thereof, Parts, Pendicles and univerſal Pertinents of the ſame, and all other Fees and Caſualities thereof, whatſoever als well not named as named, or that is or ſhall hereafter be known any ways to appertain and belong to the ſame, or that ever was Annexed thereto, or poſſeſſed and enjoyed by any Captain, Governour, Conſtable or Keeper thereof, at any time hereto-

heretofore, (all here holden as for expreſt *brevitatis cauſa*, and Di penſing with the Generality foreſaid for ever) together with the Feu, Blench, and other Duties and Caſualities whatſomever due and payable to his Majeſty and his Royal Succeſſors by the Perſons after-named, (his Highneſs Vaſſals and heretable Tennants, and their Heirs and Succeſſors) furth of the Lands and others after-mentioned, *viz.* (*here inſert the Lands and others deſigned for this Purpoſe, and the preſent Herctors and Vaſſals their Names and Deſignations*, and if poſſible from the Regiſters the Duties themſelves, and then ſay) and that yearly and Termly at the Terms contained in the forenamed Perſons and their Predeceſſors and Authors their Rights and Infeftments of the ſame, (as alſo here holden as for expreſt *brevitatis cauſa*) and that as an additional Fee and Sallary to the ſaid *I. M.* of *A* and his foreſaids, for exercing the ſaid Office, their Entry to the ſaid Office to be inſtantly and to the Benefit thereof of this inſtant Cropt and year --years and haill Terms thereof, and yearly and Termly thereafter, for ever in time coming, together with all Right, Title and Intereſt that his Majeſty has or he and his Royal Succeſſors may any ways Claim or pretend to the ſaids Feu, Blench, or other Duties due and payable furth of the ſaids Lands and others above-ſpecified, for the future as being hereby Annexed to the ſaid Office, and never to be ſeparat or disjoyned therefrom, but to remain and continue therewith als well as what formerly appertaining and belonging thereto, in all time coming, *Reſerving* always to his Majeſty and his Royal Succeſſors for ever in time coming the Supetiority of the ſaids Lands and others immediatly above-written, ſua now Annexed Additionally to the ſaid Office, and Benefit of the Duplication of the ſaids Feu and Blench Duties, the firſt year of the Entry of Vaſſals, and Benefit of the Liferent Eſcheats of the ſaids Vaſſals, when they happen to fall as being no ways herein Comprehended. *With full Power* to the ſaid *I.* M. of *A.* and his foreſaids by themſelves or Deputs (for whom they ſhal be anſwerable) to uſe and exerce the ſaid Office of heretable Captains, Governours, Conſtables and Keepers of the ſaid Caſtle and Fortalice of —— and Juriſdiction of Conſtabularie within the ſaid Caſtle, and haill Bounds & Limits belonging thereto, and to intromet with, Uplift, Ask, Crave and Receive not only the haill Rents, Duties Fees, Cuſtoms and Caſualities formerly belonging thereto, but alſo the ſaids Feu and Blench-duties and others now Annexed to the ſame, and haill Eſcheats, Emoluments, and other Benefit whatſoever that may ariſe, accreſce and become due by the ſaid Office and Juriſdiction of Conſtabulary of the ſaid Caſtle; ſicklike in the ſame manner and als fully and freely in all Reſpects, and to all intents and purpoſes as any of the former Conſtables, Governours, Captains and Keepers of the ſaid Caſtle has done at any time heretofore, or as any other Conſtable within the Kingdom, and by the Laws and Conſtitutions thereof, has done, do, or for the future may do in the like Caſes and to Call and Purſue for the ſaids Rents, Duties, Fees and Caſualities, and obtain Decreets thereanent, and Poind the Ground yearly for the ſaids Feu and Blench duties, and others Annexed to the ſaid Office as ſaid is, and to Input and Output Deputs at pleaſure as to the ſaid Office, and to Set and Raiſe Tennents as to any Property belonging thereto, and upon payment of the ſaids Rents, Duties, Feu and Blench-duties, Fees, Caſualities and others foreſaids, (als well formetly belonging to the ſaid Office as now Annexed thereto) to grant Diſcharges which ſhall be ſufficient to the Receivers, and to do what els his Majeſty might have done therein himſelf with Conſent foreſaid, *At* any time before the granting of thir Preſents, (*Reſerving* always to his Highneſs and his Royal Succeſſors in manner as is above-reſerved) and his Majeſty with Conſent foreſaid *Wills* and *Grants*, and for his Highneſs and his Royal Succeſſors Decerns and Ordains that an Seaſin to be taken now and in all time coming by the

ſaid *I. M.* of *A.* and his foreſaids at the ſaid Caſtle of—— and by Delivery of Earth and Stone allanerly, is and ſhall be als valid and ſufficient an Seaſin to them for all and ſundry the ſaid Caſtle, Precinct, Yards, Orchyards, Lands, Milns, Fiſhings, Feu and Blench-duties, heretable Offices, and others particularly and generally above-mentioned, as if an particular Seaſin were taken by them upon ilk part and portion thereof, albeit the ſame be not ſua done, and notwithſtanding of the Diſcontiguity, and without Neceſſity of any other Symbol than Earth and Stone as ſaid is, and without reſpect to their being Annexed to any Earldom, Lordſhip, Barony or others, or of any other place formerly Appointed and Deſigned by the Ancient or modern Rights and Infeftments for taking of Seaſin thereof, *Anent* all which and what els may follow thereupon, or that can be any ways objected againſt the Validity of the ſaid Seaſin, his Majeſty with Conſent foreſaid has diſpenſed, and for him and his Royal Succeſſors by thir Preſents diſpenſes for ever *to be holden*, and for to hold the ſaid Office of heretable Captain, Governour, Conſtable and Keeper of the ſaid Caſtle and Fortalice of——, Caſtle, Precinct-houſes, Biggings, Yards, Orchyards, Milns, Miln-lands, Fiſhings, Fees, Feu and Blench-duties, Juriſdiction of Conſtabulary and others particularly and generally above-mentioned, to the ſaid *I. M.* of *A.* and his foreſaids, of his Majeſty and his Royal Succeſſors as Superiors thereof, in Fee and Heretage for ever, by all Rights, Meiths and Marches of the ſame old and deviſed, and as the ſame ly in length and breadth, in Houſes Biggings, *&c.* Moſſes, Muirs, *&c.* Ways Paſſages, *&c.* Milns Miln-lands, *&c.* Halking, Hunting, Fiſhings, *&c.* Peats Turffs, *&c.* Coals, Coal-heughs, Doves, Dovecats, Cunnings, Cunningares, *&c.* with Court of Conſtabulary and Priviledges thereof, Flent, Herezald and Amerciaments of the ſame, *&c.* and with all and ſundry other Liberties, *&c.* freely quietly, *&c.* but Revocation, *&c.* *Give and* therefore yearly the ſaid *I. M.* of *A.* and his foreſaids to his Majeſty and his Royal Succeſſors as Superiors thereof above-ſpecified, an penny *Scots* Mony at the Feaſt and Term of *Whit-ſunday*, at the ſaid Caſtle of—— in name of Blench Farm if it be asked allanerly, and doubling the ſaid Blench-duty at the Entry of the Heir thereto, and that in lieu and place and ſatisfaction of all other Duty that can be required from them, for and upon the Accompt of the ſaid Entry, and likeways adminiſtrating Juſtice as Captains, Conſtables, Governours, and Keepers aforeſaid to and againſt all who may be concerned within the Bounds and Limits above-mentioned, and being faithful to his Majeſty and his Royal Succeſſors in the Diſcharge of the ſaid heretable Office, in time coming for all other Burden, Exaction, *&c.* And laſtly his Majeſty faithfully promiſes *in verbo principis* to Ratifie this preſent Gift and Right, and likeways to diſſolve the ſaid Office and Juriſdiction, Lands, Milns, Miln-lands, Fiſhings, Fees, Feu-duties, Blench-duties and others above-mentioned, als well formerly pertaining to the ſaid Caſtle and Office as now Annexed thereto from the Patrimony of his Majeſties Crown, and that in the preſent or enſuing Parliament Willing and Requiring his Highneſs Eſtates of Parliament to Ratifie and Diſſolve accordingly, but ſtill with the Reſervation above-expreſt, conceived in favours of his Majeſty and Royal Succeſſors in manner above-rehearſed, and that the ſaid Gift and Charter be extended in the moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

SIGNATURE

SIGNATURE of Kirk-Lands Erected in a Tenendrie (by Reſignation) with a Diſpenſation to take Seaſin at one place for all.

OUR SOVERAIGN LORD with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) *Ordains* a Charter to be made and paſt under his Majeſties Great Seal of the ſaid Ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually confirming: Likeas, his Majeſty with Conſent foreſaid, by thir preſents, gives, grants and diſpones, and for his Highneſs and his Royal Succeſſors perpetually confirms, to his Majeſties well beloved Couſin *G. L B.* and to the Heirs-male lawfully procreat, or to be procreat of his Body, whilks failzeing, to his Heirs-male whatſoever; Whilks all failzeing, to his Heirs whatſoever the eldeſt Daughter or Heir female having always the preference and ſucceeding without Diviſion and Heirs-male of her Body, and ſo furth downward from Daughter to Daughter, whilſt there be *D*aughters or Heirs Female, and to the Heirs-male of their Bodies; Whilks failzeing, to their Heirs whatſoever, in the Order as aforeſaid, and in the Terms after-ſpecified, the ſaids Daughters or Heirs-female ſo ſucceeding in the order, & according to the Subſtitution above-ſpecified marrying a Gentleman of the Name of *O.* or on who, & Heirs of the Marriage will aſſume the Name of *O.* and Arms of the Family of B. to themſelves & their Aſſigneys heretably & irredeemably, *all and haill*, and all & ſundry the Towns, Lands, Milns, Milln Lands, & others after-ſpecified. *viz.* (*here inſert all to be included in the Signature according as they are ſet down and deſigned in the Reſigners Charter and Seaſin, and then ſay*) *Whilks* Towns, *L*ands, Milns, Miln-Lands, and others above-ſpecified, with the Pertinents lying as ſaid is, pertained heretably of before to the ſaid *G. L. B.* and were by him and his lawful Procurators in his Name, to that effect ſpecially Conſtitute, and patent Letters contained in a particular and ſpecial Procuratrie of Reſignation, granted and ſubſcribed by him thereanent, dated the —— day of — laſt bypaſt, duely and lawfully reſigned by Staff and Baſtone, as uſe is, in the hands of the ſaids (*here inſert the Conſtitutions of the Theſaury and Exchequer for the time, but curtly*) having Power and Commiſſion from his Majeſty, to receive Reſignations, and thereupon to grant new Infeftments, as in the Hands of his Majeſty lawful Superior thereof, at *Edinburgh* the — day of ---- in favours, and for new Infeftment of the ſame, to be made and granted to the ſaid G. L. *B.* and to the Heirs-male of his Body, Whilks failzeing, to the other Heirs-male & of Tailzie above-ſpecified, and their Aſſigneys whatſomevet, Heretably and Irredeemably, to be holden of his Majeſty and his Royal Succeſſors Superiors thereof, in manner under-written, and in ſuch due and competent Form as accords; *But* with this expreſs Condition, Proviſion and Declaration always: Likeas, it is hereby expreſly provided and declared, and be it ſo provided and declared, by the ſaid Charter and Seaſin to follow thereupon, and is accordingly ſo appointed by the ſaid Procuratrie of Reſignation, that failing of *H*eirs-male of the ſaid G. L. B. his Body, or otherways as ſaid is, ſo that the Daughters or Heirs-Female ſhall happen to ſucceed to the ſaids Lands and Eſtate, by the Tailzie and Subſtitution aforeſaid, that then and in that caſe, as the eldeſt is to ſucceed without Diviſion, ſo the Daughter ſo ſucceeding ſhall be holden and obliged to Marry a Gentleman of the Name of *O.* or on who will aſſume the name of *O.* and the Arms of the Famely of B. and the Deſcendents of their bodies to hold and retain the Name of *O.* And if the eldeſt and the perſon whom ſhe matcheth with, and the Heir and other Children of the Marriage failzie in ſo doing, and thereby

contraveen the preciſe Terms of the ſa'd Succeſſion and Subſtitution; then and in that caſe they ſhall *ipſo facto* by way of Exception or Reply, and without neceſſity of Declaration to follow thereupon, amit and tyne the Benefit of the ſaid Tailzie, and the next in the Tailzie and Heirs-male of her Body, ſhall have the Preference, and ſucceed without Diviſion to the ſaids Lands and Eſtate, as Heir to the perſon who deceaſed laſt veſt and ſeaſed therein, and as if ſhe had been the immediat perſon in the ſaid Tailzie and Subſtitution, or as if the eldeſt Daughter or Heir-Female were naturally dead without Succeſſion of her Body, and the Husband of the ſaid eldeſt Daughter in either caſe, excluded from and deprived of a *Jus Mariti*, and the Benefit of the Courtiſie introduced in favours of Husbands, by the Laws of *Scotland*, or any other Law or Conſtitution whatſoever, whereby they may claim Right thereto, and ſo furth from Daughter or Heir Female to *D*aughter or Heir Female, whilſt there be Daughters or Heirs Female to ſucceed to the ſaids Lands and Eſtate, nor ſhall it be lawful to, or in the Power of any of the ſaids *D*aughters or Heirs Female, to Alter, Violate or Infringe the ſaid Tailzie and Subſtitution, or do any Deed in prejudice of one another, by which the ſaids Lands and Eſtate may be affected or evicted in any ſort, but prejudice to the Daughter or Heir Female ſo ſucceeding and obſerving the Rules and Nature of the ſaid Tailzie and Subſtitution, to provide her Husband to a competent Joynture, not exceeding the Third or Half at moſt, and the younger Children of the Marriage, to ſuch competent Portions and Proviſions as the ſaids Lands and Eſtate may goodly bear, not exceeding four years Rent of the free Eſtate, deducing Feu-*D*uties, Miniſters Stipend, Ceſs and publick Burdens, and to be divided amongſt the ſaid younger Children, as the Parents, or any one of them on Life for the time, and failzieing of both by deceaſe, two of the neareſt Freinds on the Father or Mothers ſide ſhal judge expedient, and that by heretable Bonds bearing Infeftment, and a Reverſion to the Heir of the Marriage, but no Requiſition, that the Eſtate may not be Appryſed or Adjudged therefore, and upon which Conditions, Proviſions and *D*eclarations, the ſaid Procuratrie of *R*eſignation was granted and ſubſcribed, Reſignation by vertue thereof made, and Charter and Seaſin appointed to follow thereupon, and thir Preſents alſo granted in order thereto, and the ſaid Tailzie made in favours of the ſaids Daughters, or Heirs female, (failzieing of Heirs-male in manner foreſaid) and no otherways, as authentick Inſtruments taken thereupon, in the Hands of —— Nottar publick, in themſelves more fully proport: And farder, his Majeſty (for the good and faithful *S*ervices done and performed by the ſaid *G. L. B.* and his Predeceſſors, to his Highneſs and his moſt Serene Progenitors) has with conſent aboveſpecified, Diſunited and *D*isjoyned, and hereby diſunites and disjoynes, the ſaids Towns, Lands, *M*ilns, Miln-Lands, Fiſhings, and others particulary and generally above-mentioned, lying as ſaid is, from all Lordſhips, Baronies and others whereunto they were formerly Annexed, and of new has United, Erected, Annexed, Creat and Incorporat, and hereby Unites, Erects, Annexes, Creats and Incorporats the ſame, in *an haill*, and free Tenendry, to be called now and in all time coming the Tenendrie of *J.* And hereby *D*eſigns and Appoints the Mannor-place and principal Dwelling-houſe of *J.* to be the principal *M*eſſuage of the ſaid Tenendrie, and Statuts and Ordains, that a Seaſin to be taken thereat, or upon the Ground of any other part or Portion of the ſaids Lands and others foreſaids, by the ſaid *G. L. B.* or his foreſaids, now and in all time coming, by delivering of Earth and Stone allanerly, without the neceſſity of any other Symbol, is, and ſhall be alſe valid and ſufficient a Seaſin to them, for all and ſundry the ſaids Lands, *M*ilns, Miln Lands, Fiſhings, and others above-diſponed, with the *P*ertinents, as if a particular Seaſin were taken by them upon ilk part and Portion thereof, albeit the ſame be not ſo done, and not-

notwithſtanding they ly diſcontigue, and without reſpect to any other place formerly deſigned for taking of Seaſin, *Whereanent*, and with all that may follow thereupon or that can any ways be objected againſt the validity thereof: His Majeſty with Conſent foreſaid has diſpenſed, and by thir Preſents for his Highneſs and his Royal Succeſſors diſpenſes for ever, *to be holden*, and for to hold all and ſundry the ſaids Towns, Lands, Milns, Miln Lands, Mannor-place, Houſſes, Biggings, Yards, Orchards, Woods, Fiſhings, and others particularly and generally above-diſponed, with the Pertinents lying in manner foreſaid; and all now Unite, Annexed, Creat and Incorporat in a haill and free Tenendrie, called the Tenendrie of *J.* as ſaid is) to the ſaid *G. L. B.* and to the Heirs-male of his Body, whilks failzieing to his other Heirs-male, and of Tailzie above-ſpecified in the order of the ſaid Tailzie and Subſtitution, and to their Aſſigneys heretably and irredeemably (with and under the expreſs Conditions, Proviſions and Declarations above-mentioned, and no otherways) of his Majeſty and his Royal Succeſſors Superiors thereof, in free Tennendry, Feu and Heretage for ever, by all Rights, Meiths and Marches of the ſame, Old and *Diviſed*, as the ſame ly in Length and Breadth, in Houſes, Biggings *&c.* Moſſes, Muires, *&c.* Halking, Hunting *&c* Peits, Turffs, *&c.* Coals, Coal-heughs, Doves, Dove-Coats, Cunnings, Cunning-gares, *&c.* with Court-Plent, Herezald, free Iſh and Entry, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c. Giving* therefore yearly the ſaid *G. L. B.* and his foreſaids; Whilks failzeing as ſaid is, and their Aſſigneys, to his Majeſty and his Royal Succeſſors, Superiors of the ſaids Touns, Lands, Milns, Miln-Lands, Fiſhings and others foreſaids, with the Pertinents and lying as ſaid is) and all now Unite, Erected, Annexed, Creat and Incorporat in a haill and free Tennendrie, in manner above-expreſt) The reſpective Duties under-writen, *viz.* (*here inſert the particular Reddendo, according to the former Infeftments, and if any Clauſes be therein beſides the Duties let them be alſo inſert in the preciſe Terms thereof, and then ſay*) For all other Burden, Exaction, *&c.* and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in form as effeirs. *Given at*

SIGNATURE of Confirmation of a Mortification, the Stile of which Mortification ye will find amongſt Securities (5th Part) and the Index will lead you thereto.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here inſert the Conſents according to the Conſtitution for the time, and then ſay*) *Ordains* a Charter to be made and paſt under his Majeſties Great Seal of the ſaid ancient Kingdom, in due and competent Form, Ratifying, Approveing, and for his Highneſs and his Royal Succeſſors perpetually confirming: Likeas, his Majeſty with Conſent foreſaid, by thir preſents, Ratifies, Approves, and for his Highneſs and his Royal Succeſſors perpetually confirms, the Mortification and religious and charitable Writ and Deed made, granted and ſubſcribed, by *George* Viſcount of *Tarbat*, Lord *Macleod* and *Caſtle-haven*, heretable Proprietor of the Lands and others after-ſpecified, with the Pertinents, in favours of the perſons after-named, for the uſe and ends after-ſpecified (*obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſt, and no otherways*) dated the ſaid Mortification at *Edinburgh* the Eleventh day of *September* 1686 years, whereby the ſaid Noble Viſcount (for the Glory of GOD, FATHER, SON and HOLY-GHOST, and bleſſed Trinity, and Undivided Unity, and in thankful Acknowledgement of the great Mer-

cies, Spiritual and Temporal beſtowed upon his Lordſhip, and from pure and perfect Charity, for Maintenance and Suſtentation of the *Poor* and *Indigent*, for the Worſhip and Service of God, his Creator, Redeemer and Sanctifier) Sold, Annalzied, Gave, Granted, Diſponed, Doted and Mortified (in the moſt ſure, firm, abſolute, and intire manner Elemoſinar) to and in favours of the very reverend Mr. *Andrew Roſs*. then Miniſter at *Tarbat*, and the Elders (for the time) of the Kirk of *Tarbat*, and their Succeſſors in the ſaid Miniſtry and Elderſhip in beeing for the time as Truſtees and *Fide-commiſſaries*, for the uſe and behove of the Poor and others after-named, perpetually thereafter in all time coming, (Obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſt, and no otherways) *All and haill* an Annuity of Thirty ſix Bolls of Bear, ſufficient Clean, Callare, and well Dight, Mercat-met and Merchant-ware, and to be met and meaſured with the Meaſure of *Linlithgow*, yearely to be uplifted and taken betwixt *Yule* and *Candlemaſs*, furth of all and haill his Lordſhips Quarter-Lands of *Weſter-Gaines*, Parts, Pendicles, and Pertinents thereof, lying within the Parochin of *Tarbat*, and Sheriffdom of *Roſs*, and then poſſeſſed by - - and formerly pertaining to *Innes* of *Inverbrakie*, or furth of any Part or Portion thereof, and readieſt Maills, Farms, Profits and Duties of the ſame, to be Killed and Dryed on the Ground of the ſaids Lands, by the Tennents and Poſſeſſors thereof, and tranſported from thence by the ſaids Tennents, in their own Sacks, and on their own Horſes to the Milns of *Tarbat* and *Tarral*, by equal halfs, and there grind in Meal, and preferable to all other Grindings, as Out-ſucken, and without payment of any other Dues (except what uſually payed to the Servants by Out-ſuckners) and after Grinding to be tranſported by the ſaids Tennents to any part of the ſaid Parochin of *Tarbat*, to be Appointed by the ſaid Miniſter and Elders, beginning the firſt years payment of the ſaid Annuity of the Cropt and year of God 1686 years betwixt *Yule* and *Candlemaſs* then next, and ſo furth yearly thereafter betwixt *Yule* and *Candlemaſs* for ever. And als, *all and haill* the Priviledge and Benefite of Killing and Drying the ſaid Bear on the Ground of the ſaids Lands, grinding the ſame at the ſaids Milns as Out-Suckeners, and preferable to all other Grindings, free of all Multurs and other Dues (except what uſually payed to Servants by Out-ſuckeners as ſaid is) and likeways with the Priviledge and Benefit of having the ſame tranſported to and from the ſaids Milns in manner aforeſaid, and all which Services to be performed by the ſaids Tennents and Poſſeſſors of the ſaids Lands thereafter, in all time coming, as a part of their Services as Tennents and Poſſeſſors of the ſaids Lands, and without any payment or Exaction from the ſaid Poor, or the ſaid Miniſter and Elders upon their Account; and the ſaid Viſcount band and obliged him and his Heirs and Succeſſors, duely and ſufficiently to infeft and ſeaſe the ſaid Mr. *Andrew Roſs* Miniſter, and his Elders and their Succeſſors in the ſaid Miniſtry and Elderſhip, as Truſtees and *Fide-Comiſſaries* foreſaid for the uſe and behove of the ſaid Poor, and others after-named perpetually thereafter, in all time coming, (obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſt, and no otherwayes) In *all and haill* the foreſaid Annuity of Thirty ſix Bolls of Bear, of the Quality, Growth, and with the Meaſure foreſaid, yearly to be uplifted betwixt *Yule* and *Candlemaſs* as ſaid is, furth of the ſaids Lands, with the Pertinents, or any Part or Portion thereof, and readieſt Maills, Farms, Profits and Duties of the ſame; And alſe in *all and haill* the foreſaid Priviledge and Benefit of Killing and drying of the ſaid Bear on the Ground of the ſaids Lands, grinding the ſame at the ſaids Milns, and by equal halfs in Meal as Out-ſucken, and of having the ſamen tranſported to and from the ſaids Milns, in manner, and free of all payment of Multures or other Dues, (excepting what uſually payed to the Servants of the Miln by Out-ſuckeners) in manner above-expreſt, and that by double Infeftments, and manner of holdings, the one thereof to be holden

holden of the said Viscount, and his Heirs-male and of Tailzie, contained in his Rights and Infeftments of his Lands and Estate of *Tarbat*, and his Successors, and the other of the saids Infeftments to be holden from him and his foresaids, of the immediat lawful Superiors after-named, *viz.* the said Annuity, Killing and Drying, and Transportation, of the right Reverend Father in God Bishop of *Ross*, and his Successors in that See, and the said Privilege of Grinding in Meal as Out-suckeners, and free of payment of any Multures or other dues, (excepting as said is) of the said Viscount and his foresaids, their immediat lawful Superiors of the saids Milns of *Tarbat* and *Taral*, and both the saids Infeftments as well of his Lordship and his foresaids, as of their said Superiors *in puram Eleemosinam*, *& in manum mortuam pro precibus & suffragiis*, of the poor after-specified, and others after-mentioned, having the Benefit of the said Mortification (in the most serious, pious and devout manner that is possible) for his Majesties Sacred Person, and his Lineal and lawful Successors well-being, Health, Wealth, Prosperity, and happy and peaceable Reign over his Majesties ancient Kingdom, and all others his Highnes Kingdoms, Dominions and Territories, whilst Sun and Moon endureth in the Firmament, and Crowning them with an everlasting Crown of Glory thereafter, and likeways for the well-being and Happiness of the said right Reverend Father, and his Successors in the See, and for the True, Holy and Catholick-Church, and the said Viscount, their Patron, his Lady, Children and Successors, and all their Benefactors, and that by Resignation or Confirmation, in the option of the said Mr. *Andrew Ross*, Minister and Elders of the said Kirk of *Tarbat*, and their Successors in Place and Office, the Acceptation of the one of the saids Infeftments, to be no ways prejudicial to the other, and for that effect to make, grant, subscribe and deliver to them, as Trustees, and *Fide-Commissaries* foresaids (for the use and behove of the said Poor and Indigent) sufficient Dispositions, containing Procuratries of Resignation, Charters containing Precepts of Seasin, and other Securities requisit thereanent, with Warrandice always in manner specified in the said Mortification, which likeways contains Procuratorie of Resignation for resigning the said Annuity, Priviledges Services, and others above-mortified, dotted and disponed in the hands of the respective Superiors, or their Commissioners therein named, in favours, and for new Infeftments thereof, to be made and granted to the saids persons, as Trustees and *Fide-commissaries* aforesaid, and for the use and behove of the said Poor and Indigent, to be holden of the saids respective Superiors, in manner, and for payment of the *Reddendo* above-expresst, and in such due and competent Form as accords, but with this expres Condition, Provision and Declaration always, Likeas, by the said Gift of Mortification, it is expressly provided and declared, and by the Resignation and Infeftments to follow thereupon, appointed to be provided and declared, that the said Minister and Elders of the said Kirk of *Tarbat*, then present and to come, as Trustees and *Fide-commissaries* aforesaid, are and shall be bound, obliged and astricted to keep and observe the Rules, Orders, Constitutions and Appointments, particularly mentioned and set down in the said Mortification, and here holden as for expresst *brevitatis causa*, together with the Precepts of Seasin contained in the said Mortification, and Instrument of Seasin following thereupon, in the haill Heads, Obligements, Articles, Clauses, Provisions, Declarations, Reservations, Preferences and Conditions of the same: And his Majesty with Consent foresaid, Wills and Grants, and for his Highnes and his Royal Successors, Decerns and Ordains the foresaid General Confirmation, to be als valid and sufficient, and of als great Force, Strength and Effect, to all Intents and Purposes, to the said Minister and Elders present and to come, as Trustees, and *Fide-commissaries* foresaids, for the use and behove of the said

Poor and Indigent, as if the said Gift and Mortification were *de verbo in verbum* herein insert, albeit not so done; Whereanent, and with all that may follow thereupon, or that can be any ways objected against the validity thereof: His Majesty with Consent foresaid has dispensed, and for his Highness and his Royal Successors by thir presents, dispenses for ever; *Safeing and Reserving* always to his Majesty, and his Royal Successors, the Feu-duties and other duties (if any be) due and payable to them as Superiors, furth of the saids Milns of *Tarbat* and *Tarral*, and contained in the said Viscount the Donator his Right and Infeftments of the same at any time before the said Confirmation, and that the said Charter be extended in most ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon in form as effeirs. *Given at*

Nota, *Ye will find the Mortification it self in the* Fift Part *amongst other Securities, and the Index will lead you to it, and because of that I judge it more tedious than necessary to set the Rules and Orders down at length.*

SIGNATURE of a Barony, comprehending several Lands, both Property and Superiority upon the Gentleman his own Resignation, *and by vertue of a particular Procuratrie for that effect, containing a Dissolution, new Erection, Dispensation for taking Seasin at one Place for all,* de Novo Damus, *Burgh of Barony, Weekly Mercat, and a Taxt from simple Ward.*

OUR SOVERAIGN LORD, with the special Advice and Consent of his Majesties right Trustie and well-beloved Cousins and Counsellors, (*here take in the Consents according to the Constitution for the time, and then say*) *ORDAINS* an Charter to be made and past under his Majesties Great Seal of his said Kingdom, in due and competent Form, Giveing, Granting, and Disponing, and for his Highness and his Successors perpetually Confirming, Likeas his Majesty with Consent foresaid, by thir Presents Gives, Grants & dispones, and for his Highness and his Royal Successors perpetually Confirms, to and in favours of S. *J.* M. of *F.* Knight and Baronet, and to the Heirs-male of his Body; Whilks failzeing, to his Heirs-male whatsoever, whilks all failzeing, to his Heirs whatsoever, at least the eldest Daughter without Division, and to the Heirs-male of her Body, bearing always the Sirname and Arms of *M.* or assuming the same to themselves and to their Assigneys, heretably and irredeemably, *all and haill* (*here insert the Lands as in the Procuratrie, and then say*) Whilks Lands and others above-specified, with the Pertinents pertained heretably of before to the said *S. J. M.* and were by him and his lawful Procurators in his Name, to that effect specially constitute, and patent Letters contained in a particular and special Letter of Procuratory subscribed by him thereanent, of the date at *Fortrose* the twenty fourth day of *May* 1677 years, duely and lawfully resigned by Staff and Baston as use is, in the Hands of his Majesty King *Charles* the Second, of ever blessed Memory, his Highness Lords of Thesaury and Exchequer for the time, having his Highness Power to receive Resignations, and thereupon to grant new Infeftments, as in the hands of his said Sacred Majesty, immediat lawful Superior thereof, in favours and for new Infeftment of the same, to be made and granted to the said *S. J. M.* his Heirs and Assigneys above-specified, Heretably and Irredeemably as said is, to be holden of his Highness and his Royal Successors, immediat lawful Superiors thereof, in such due and competent Form as accords, at *Edinburgh* the —— day of —— as authentick Instruments taken thereupon in

the

the hands of —— Nottar publick, in themſelves more fully is expreſt; *And farder*, our ſaid Soveraign Lord, for the good and faithful Services done and performed by the ſaid *S. J. M.* and his Predeceſſors in times of Peace and War, and as well Abroad as at Home, to his Majeſty and his Highneſs moſt Royal Progenitors, of his Highneſs certain Knowledge, proper Motive and Prerogative Royal, has with Conſent above-ſpecified of new, given, granted, & diſponed, and for his Highneſs and his Succeſſors perpetually confirmed, and by thir preſents and Charter foreſaid, with Conſent above-written, of new gives, grants, and Diſpones, and for him and his Royal Succeſſors perpetually confirms to the ſaid *S. J. M.* and the Heirs-male of his Body, Whilks failzeing, to his Heirs-male whatſoever, Whilks all failzeing, to his Heirs whatſoever, at leaſt the eldeſt Daughter without diviſion, and to the Heirs-male of her Body, bearing the Sirname and Arms of M. or aſſuming the ſame to themſelves, and their Aſſigneys Heretably and Irredeemably, *all and haill* the ſaids Lands of —— (*here inſert the Lands* ut ſupra, *and then ſay*) Together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, als well *Petitor* as *Poſſeſſor*, whilks his Majeſty and his Predeceſſors or Succeſſors, had, have, or any ways may have Claim, or pretend to the ſaids Lands, Barronie, and others foreſaids, with the Pertinents, or any part or portion thereof in time coming, or to the Mails, Farms, Profits and Duties of the ſame, of whatſoever years and terms bygone or to come, by reaſon of Ward, Nonentry, Relief, Marriage, Eſcheat, Liferent, Forfeiture, Recognition, Diſclamations, purpreſture, Baſtardy, laſt Heir, Alienation of the haill or moſt part, granting Infeſtments of Annualrent, or others effeirand to the ſaid *major pars*, Reductions of Infeftments, Services or Retours, not payment of the bygone Feu-duty, Diminution of the old Penny Mail, altering and changeing of the Nature of the Holding of the ſaids Lands, Baronie and others foreſaids from Blench to Ward, or from Ward to *B*lench again, amitting and tyning of the old Evidents and Securities thereof, or not production of the ſame, or new, in due time non Confirmation, or by vertue of whatſoever Clauſe irritant, contained in the Ancient or Modern Infeftments of the ſame, or by vertue of whatſoever Acts of Parliament, or other Acts, Laws, Statutes and Conſtitutions of the ſaid ancient Kingdom, made or to be made in the contrary, or by whatſoever other manner of way, Right or Title whatſoever, for whatſoever Cauſe, Fact, Deed or Occaſion bygone, preceeding the day and date hereof, Renunceing, Transferring and over-giving the ſame, and all Action and Inſtance, *jure lite & cauſa* competent, or that may be competent to his Majeſty and his Royal Succeſſors thereupon, to and in favours of the ſaid *S. J. M.* and his foreſaids for now and ever, *cum pacto de non petendo*, and with Supplement of all Defects, Faults, & Imperfections whatſoever, as well not named as named, bygone, preſent, as to come, Whilks his Majeſty for him and his foreſaids, (with conſent above-ſpeified) will have as for expreſt in the ſaid Charter, and faithfully promiſes never to move any Action, Plea or Queſtion thereanent in time coming, *Moreover*, his Majeſty with conſent foreſaid, and for the Cauſes above-ſpecified, not only has diſunited and disjoyned, and by thir preſents diſunits and diſjoyns the foreſaids Lands and others above-ſpecified, with the pertinents, both Property and Superiority from all Earldoms, Lordſhips, Barronies, and others whereunto they were formerly annexed and incorporated, but alſo by thir preſents, Unites, Erects, Annexes, Creats and Incorporats the ſame Lands, and others foreſaids, with the Pertinents, both Property and Superiority as ſaid is, in a haill and free Barrony, to be called now and in all time coming, the Barony of *F.* And *O*rdains and Appoints the Mannor-place, Tower and Caſtle of *F.* to be the principal Meſſuage of the ſaid *B*arony, and that a Seaſin to be taken by the ſaid *S. J. M.* and his foreſaids thereat, or upon

the ground of any other part of the ſaids Lands, with the Pertinents, now and in all time coming, is, and ſhall be as valid and ſufficient a Seaſin to them, for all and ſundry the ſaids Lands, Baronie, and others particularly and generally above-diſponed, with the Pertinents, as if a particular Seaſin were taken by them upon ilk Part and Portion thereof, albeit the ſame be not ſo done, and notwithſtanding they ly diſcontigue; *Whereanent*, and with all that may follow thereupon, or that can be objected againſt the validity thereof. His Majeſty with Conſent foreſaid has diſpenſed, and for his Highneſs and his Royal Succeſſors, by thir preſents diſpenſes for ever; *Moreover*, his Majeſty conſidering how Convenient and Commodious it will be for the Accomodation of Strangers and Paſſengers, as well as Natives, to have a Weekly Mercat holden and kept at the Town of *E. F.* and the ſame to be erected in a free Burgh of Barrony in all time coming. *Therefore*, and for increaſe of Policy and Commerce within his Majeſties ancient Kingdom of *Scotland*, his Highneſs (for the Cauſes above-written, alſo of his Majeſties certain Knowledge and proper Motive as ſaid is, with Advice and Conſent foreſaid) has made, Conſtitute, Created and Erected, and by thir preſents makes, Conſtitutes, Creats and Erects, to and in favours of the ſaid *S. J. M.* and his foreſaids, the foreſaid Town and Village of *E. F.* with the haill Houſes, Biggings, Yards, Woods, Aickers, Tofts, Crofts, Out-ſets, Inſets, Parts, Pendicles and Pertinents of the ſame, in a free Burgh of Barony, to be called in all time coming the Burgh of Barrony of *E. F. Giving*, Granting and Committing to the Inhabitants and Burgeſſes of the ſaid Burgh of Barony, preſent and to come, full and free Liberty, Priviledge, Power, and Licenſe to Buy and Sell Wine, Wax, Salt, Cloaths of whatſoever collour or kinds, and all other Merchandiſes whatſoever, and to have and hold within the ſaid Burgh of Barony and Liberties thereof, Baxters, Maltmen, Brewers, Wrights, Cowpers, Litſters, Skinners, Tailors, Cordiners, Sadlers, Smiths, Fleſhers, Fiſhers, and all other Artificers, including Maſons belonging to any free Burgh of Barony, and free Burgeſſes in the ſaid Burgh, to make, creat and cauſe be ſworn, an Mercat-Croſs and Tolbooth therein, to Erect and Build, and keep up the ſame in all time coming, and als with Power to the ſaid Sir *J. M.* and his foreſaids, and to the Burgeſſes and Inhabitants of the ſaid Burgh, to keep and hold a Weekly Mercat therein ilk *Wedenſday* or *Friday* as they ſhal find moſt profitable for buying and ſelling of Horſe, Nolt, Sheep, Fiſhes, Fleſhes, Meal, Malt, Victual, Skins, Hides, Wool and Linen-cloaths, Butter, Cheeſe, Timber, and all other Goods and Merchandiſes whatſoever proper, and by Law allowable within any Burgh of Barrony in the ſaid ancient Kingdom, and with Power alſo to the ſaid *S. J.* and his foreſaids, to Nominat and Appoint Baillies, one or more under them within the ſaid Burgh of Barony yearly, as alſo to creat Clerks, Officers, and other Members of Court neceſſary within the ſame, and for keeping and upholding of the ſaid Burgh, and Priviledges thereof, and Weekly Mercat aforeſaid as Accords, and to uplift, uptake and exact ſuch Tolls and Cuſtoms of all Goods coming to the ſaid Mercat, as is uſual in the like caſes in any other Burgh of Barony within the ſaid Ancient Kingdom, and to apply the ſame to their own uſe, and in like manner with Power to the ſaid *S. J. M.* and his foreſaids by themſelves, or their ſaids Baillies, to keep Courts, Tranſgreſſors to puniſh according to Law, and to uplift and exact the Fines Amerciaments and Eſcheats of Court ariſing from any ſuch Tranſgreſſions, and to apply the ſame alſo for their own behove, and to cauſe the ſaids Baillies, Clerks, Officers and others, and other Members of Court to be ſworn *de fideli Adminiſtratione*, for the better Government of the ſaid Burgh of Barony, and Weekly Mercat, and maintaining the Rights and Priviledges thereof, together, and in like manner with all other Liberties Priviledges, Immunities and Caſualities whatſoever, as well not named as named, pertaining

and

and belonging to a Burgh of Barony, by the Laws and Practique of the ſaid ancient Kingdom, and as freely and fully in all reſpects, and to all intents and purpoſes, as any other Burgh of Barony within the ſaid Kingdom uſes and enjoyes, or may uſe and enjoy by vertue of their Priviledges, Rights and Infeftments, *To be holden*, and for to hold the ſaids Lands, Barony, Burgh of Barony, and others particularly and generally above-ſpecified, with the Pertinents lying as ſaid is to the ſaid *S. J. M.* and his foreſaids, of his Majeſty and his Highneſs Royal Succeſſors in all time coming, in free Barony, free Burgh of Barony, Fee and Heretage for ever, by all Rights, Meiths and Marches of the ſame, old and diviſed, as the ſame lyes in Length and Breadth, in Houſes, Big, *&c.* Moſſes, Muires, *&c.* Milns, Miln-Lands, Multures, *&c.* Doves, Dovecoats, Coals, Coal-heughs, Cunnings, Cunningares, *&c.* Halking, Hunting, *&c.* with Court, Plent, *&c.* Furk, Foſs, *&c.* Infang-theif, Outfang-thief, Pit and Gallows, with free Iſh and Entry, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c. Givand* therefore yearly the ſaid *S. J. M.* and his foreſaids to his Majeſty and his Highneſs Succeſſors, immediat lawful Superiors of the ſame, the Duties, Rights and Services uſed and wont, but with this expreſs Condition Proviſion and Declaration always; Likeas by thir preſents, it is, and by the ſaid Charter ſhall be expreſly provided and declared, Statute and Ordained, that notwithſtanding, and whenever it ſhall happen the ſaids Lands, Barony, Burgh of Barony, and others particularly and generally above-ſpecified, with the Pertinents lying as ſaid is, or any part thereof, to fall in the hands of his Majeſty or of his Highneſs Succeſſors, by reaſon of Ward and Non-entry, or either of them, yet nevertheleſs the ſaid *S. J. M.* and his Heirs and Succeſſors ſhall peaceably Poſſeſs, Bruik and enjoy the ſame by themſelves and their Tennents, and to intromet with, uplift, uſe and diſpoſe upon the haill Mails, Farms, Profits and Duties thereof in all time coming, for payment yearly to his Majeſty and his Royal Succeſſors of the Sum of —— uſual Money of the ſaid Kingdom of *Scotland*, during the Ward and Nonentry, als much for the Relief, and of the Sum of —— Money foreſaid, for the Nonage of the Heir, and ſingle and double Avails thereof when the ſame ſhall happen to fall, and to the which Sums his Majeſty with Conſent foreſaid, for him and his Succeſſors, for the Cauſes above-ſpecified, has taxed, and by thir preſents Taxes the ſaid Ward, Nonentry, Relief and Marriage, and haill benefits of the ſame in all time coming, and (now as if the ſaid Ward were already fallen, and the Caſualities thereof occurred, and then as now) His majeſty with Conſent foreſaid has Aſſigned and Diſponed, and by thir preſents for him and his foreſaids, Aſſigns and Diſpones the ſame in favours of the ſaid S. *J. M.* and his foreſaids in all time coming, *Inhibiting and Diſcharging*, by thir preſents and Charter to follow, hereupon the Lords of his Majeſties Theſaury, Comptrollory, Collectorie of his Rents and new Augmentations, and all others in the ſaid Office for the time, and his Majeſties Theſaurer-Depur, and the Sub-collectors and Under-receivers, and his Majeſties Advocat, and other Miniſters of State, and others his Highneſs Donators no ways to trouble, moleſt or purſue the ſaid *S. J. M.* or his foreſaids for the ſaid Ward, Releif, Nonentry and Marriage (except for the Taxt-*Duty* above-written) in time coming; And ſicklike, it ſhall be lawful, and his Majeſty with conſent foreſaid, gives full Power and Warrand to the ſaid S. *J. M.* and his foreſaids, to enter to the ſaids Lands, Barony, Burgh of Barony, and others foreſaids with the Pertinents in all time coming, by Breives furth of his Highneſs Chancellary, and to obtain themſelves ſpecially Served and Retoured Heirs therein, and thereupon infeft, notwithſtanding that the ſame holds by Service of Ward and Relief as ſaid is, and that they be Minors for the time, and without neceſſity of any other Warrand or Diſpenſation for that effect; And his

Majeſty with Conſent foreſaid, Admits and Declares the ſaid Services, Retours, Precepts and Infeftments to follow thereupon, to be alſe ſufficient as if the ſame were done after the ſaids Heirs their attaining to their full and perfect Age of Twenty one years compleat, albeit the ſame be not ſo done, whereanent, and with all Objections, Purſuite and Inſtance, competent, or that may be competent againſt the ſame, or againſt the Inqueſt that paſs upon the ſaid Services Judges therein, whole Members of Court and Giver of the ſaids Seaſins: His Majeſty with conſent foreſaid has diſpenced, and for his Highneſs and his Royal Succeſſors by thir preſents, diſpenſes for ever: And his Majeſty *in verbo principis* faithfully promiſes to Ratifie and Approve the ſaid Charter, in this preſent current or next Parliament, Willing and Requiring his Majeſties Eſtates of Parliament to Ratifie the ſame accordingly, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

SIGNATURE *of ſeveral Lands diſponed and reſigned by the Heretor for himſelf and as having Power and Faculty (by the Rights formerly granted and taken by him to his Children to diſpone &c. in favours of a Son of the third Marriage, and Heirs-male of his Body, Whilks failzieing to the other perſons therein ſpecified, and their Heirs therein-mentioned, in the Terms therein expreſt, Whilks failzieng, or contraveening the Conditions, the Eſtate is Mortified, (of a pure Stile) the Rules and Orders and Conſtitutions whereof omitted here, and referred to the Mortification it ſelf* brevitatis cauſa, *but to be found in the fifth Part, and the Index will direct you thereto, and the more full and better whereof hardly to be found.*

OUR SOVERAIGN LORD with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution for the time, and then ſay*) *Ordains*: a Charter to be made and paſt under his Majeſties Great Seal of the ſaid Ancient Kingdom of *Scotland*, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually confirming: Likeas, his Majeſty with Conſent foreſaid, by thir preſents gives, grants & diſpones, & for his Highneſs and his Royal Succeſſors perpetually confirms, to G. C. lawful Son to Captain *A. C*: of *K.* his Majeſties Maſter Sclaiter procreat betwixt him and *E. L.* his preſent Spouſe, and to the Heirs-male lawfully to be procreat of the ſaid *G.* his Body, whilks failzeing, to the Heirs-male lawfully procreat or to be procreat of the ſaid Captain A. C. his *B*ody in this preſent Marriage, whilks failzieing to the Heirs-male lawfully to be procreat of the ſaid Captain A. C. his Body in any other Marriage, Whilks failzeing, to the Heirs whatſomever lawfully to be procreat of the ſaid *G. C.* his Body, (the eldeſt always having preference without Diviſion) whilks failzieing, to the Heirs whatſoever of the ſaid Captain A. C. his Body in this preſent Marriage, whilks failzieing, to the Heirs whatſoever of the ſaid Captain A. C. his Body in any other Marriage (the eldeſt having ſtill preference without Diviſion as ſaid is) Whilks failzieing to the Heirs-male lawfully procreat or to be procreat betwixt *A. C.* alſo Son of the ſaid Captain *A. C*, and *C. S.* his Spouſe, Whilks failzieing of the Heirs-male of the ſaid *A.* his Body in any other Marriage, whilks failzieing to the Heirs whatſoever lawfully procreat or to be procreat of the ſaid *A.* his Body in this preſent Marriage, Whilks failzieing, to the Heirs whatſoever of his Body in any other Marriage, (the eldeſt Female having always the preference without Diviſion) Whilks failzieing, to *A. N.* Son to *C, N.* Born in the Kingdom of *Denmark*, procreat betwixt him and *S.*

C,

C. Sister to the said *A. C.* and to the Heirs-male lawfully to be procreat of the said *A. N.* his Body, Whilks failzieing, to the Heirs whatsoever lawfully to be procreat of the said *A. N.* his Body, the eldest of the Females still succeeding without Division) *And* that with and under the expres Reservations, Provisions, Conditions, Limitations, and Restrictions after mentioned, and no otherways, and failzieing of Heirs-male and Female procreat, and Descending of the said G. C. his Body, as also of the said Captain *A. C.* his Body, in this, or any other subsequent Marriage, and of the Body of the said *A. C.* (his other Son) in this present or future Marriages, and of the said *A. N.* and Heirs of his Body in manner above-specified, then and in that case, (for the Causes and upon the Considerations after-expreſt, now as then, and then as now,) Giving, Granting, Disponing, Doting and Mortifying, and by thir Presents Gives, Grants, Dispones, Dotes and Mortifies in the most firm, sure, absolute, and effectual way and manner Eleemosinar, to and in favours of the Moderator and Brethren of the Exercise of the Presbytry of P. (for the time being) and their Successors (from time to time) Moderators and Brethren of the Exercise of the said Presbytry of P. for ever thereafter in all time coming, as Trustees and Fide-commissaries for the Use and Utility of the poor and others after named, (and *Observing* the Rules, Orders, Constitutions and Appointments after-expreſt and no otherways) *All and sundry* the Lands and others after-specified, *viz.* (*here the Lands were insert according to the said Captain A. C. his Charters and Seasings*, and a part whereof are under Reversion by payment of Twenty thousand *merks*, and other Sums contained in the said Reversion, and upon doing and performing the other Clauses and Conditions therein-mentioned (but omitted as extraneous to Stile) *Whilks* Lands, Milns, Miln-lands and others above-disponed, with the Pertinents lyand as said is, *Pertained* heretably of before to the said Captain *A. C.* and at his Gift and Disposition for himself, and by vertue of the Power and Faculty contained in the Rights and Infeftments thereof granted by him to any of his Sons or conceived in their favours, and were by him and his lawful Procuratories in his Name, to that effect specially constitute, and Patent Letters contained in the Right and Disposition made by him to the said G. C. his Son and to the Heirs-male of his Body, Whilks failzieing, to the other Heirs-male, and of Tailzie above-mentioned, and failzieing of Heirs-male and Female procreat and descending of the said G. C. his Body, and of the said Captain *A. C.* his Body, in this or any other Marriage, and of the said A. C. his Body in this present or subsequent Marriage, and failzieng of the said *A N.* and Heirs of his Body in manner foresaid, Then and in that case for the Glory of God, Father, Son and Holy Ghost, Holy and Blessed Trinity, and Undivided Unity, and in Thankful Acknowledgment of the Mercies and Benefits Spiritual and Temporal Bestowed upon the said Captain *A. C.* and from pure and perfect Charitie for Maintenance and Sustentation of the Poor and Indigent, for the Worship and Service of God our Creator, Redeemer & Sanctifyer now as then & then as now, (failzieing as said is,) to and in favours of the Moderator & Brethren of the Exercise of the Presbytry of P. for the time being, & of their Successors from time to time Moderators, and Brethren of the exercise of the said Presbytry of P. for ever thereafter in time coming as Trustees and Fide-commissaries, for the Use and to the Effect above and after-specified, of the said Lands, Milns and others above-mentioned, of the Date the third day of *March* last by past, *Duely* and *Lawfully* Resigned by Staff and Baston as use is, in the hands of the Lords Commissioners of his Majesties Tresaury and Exchequer, having power to receive Resignations in his Highness Name, and thereupon to grant new Infeftments, as in the hands of his Majesty immediat lawful Superior of the said Lands, Milns, and others foresaids, at *Edinburgh*, the —— day of —— *in favours*, and for new Infeftment thereof to be made and granted to the said G. C. and Heirs-male lawfully to be procreat of his Body, Whilks

failzieing to the other Heirs-male and of Tailzie above-mentioned, *Reſpective* and *ſucceſſive* the one after the other, and in the order and with the preference aforeſaid, and likeways with and under the expreſs Reſervations, Proviſions, Conditions, Limitations and Reſtrictions under-written and no otherwiſe; *And* failzieing of Heirs-male and Females procreat and deſcending of the ſaid G.C. his Body, as alſo of the ſaid Captain *A.C.* his Body, in this or any future Marriage, & of the ſaid A.C. his Body in this or any ſubſequent Marriage, & failzeing of the ſaid *A.N.* and Heirs of his Body in manner foreſaid; *Then*, and in that caſe, in Favours, and for new Infeftment of the ſaids Lands, Milns, Mill-Lands, Teinds, and others above-written, to be made and granted to the ſaid Moderator and Brethren of the Exerciſe of the ſaid Presbytrie of *P.* for the time being, and their Succeſſors from time to time Moderator, and Brethren belonging to the Exerciſe of the ſaid Presbytry of *P.* perpetually thereafter in all time coming, as Truſtees and *Fide Commiſſaries*, for the uſe and behove of the Poor, and others after-mentioned, to whom in that caſe the ſaids Lands and others foreſaids are mortified and diſponed, in the moſt ſure, firme, abſolute and effectual manner Eleemoſinarie, as ſaid is (and obſerving the Rules and Orders, Conſtitutions and Appointments after-expreſt, and no otherways) to be holden of his Majeſty and his Royal Succeſſors, in ſuch due and competent Form as accords: And whilk Right and Diſpoſition above-ſpecified, and other Right above-mentioned, with the Reſignation following, and Infeftment to follow thereupon, are allannerly made and granted by the ſaid Captain *A.C.* in favours of the ſaid *G.C.* his Son and Heirs-male of his Body; Whilks failzeing, to the other Heirs of Tailzie and Proviſion above-rehearſed, with and under the expreſs Reſervations, Proviſions, Conditions, Limitations and Reſtrictions after-mentioned, and failzeing Heirs-male and Females of the ſaid *G.C.* his Body, and of the ſaid Captain *A.C* his body, in this or any other Marriage, as alſo of the ſaid *A. C.* and of the ſaid *A.N.* their Bodies, as ſaid is, in favours of the ſaid Moderator and *Brethren* of the Exerciſe of the ſaid Presbytrie of *P.* for the time being, and of their ſaid Succeſſors in the ſaids Offices, as Truſtees and *Fide-Commiſſaries* for the ſaid *Poor*, and others after-named, thereafter for ever, (with and under the Proviſions and Conditions after-rehearſed, and obſerving the Rules and Orders, Conſtitutions and Appointments after-mentioned, and no otherways, and all Ordained and Appointed by the ſaid Diſpoſition, to be particularly inſert and Ingroſſed in the Inſtrument of Reſignation, and Infeftments aforeſaid to follow thereupon) *viz.* In the firſt place, reſerving always to the ſaid Captain *A. C.* his Liferent of the ſaids Lands and others above-diſponed, with the Pertinents, during all the days of his Lifetime, and benefite of the Faculty reſerved to him, in manner, and in the Terms after ſpecified. *In the ſecond place*, by the ſaid Diſpoſition, and thir preſents, and Charter to follow thereupon, it is expreſly provided and Declared, That if at any time hereafter, the Succeſſion of the ſaid Captain *A.C.* his *Body* ſhall deſcend to Heirs Female, or he failzeing without Succeſſion of his *Body*, and likeways failzeing of Heirs-male of the ſaid *A. N.* his Body, whereby the Succeſſion ſhall deſcend upon the Heirs-female of his Body, Then and in that caſe, the eldeſt Heir-female without diviſion ſhall ſucceed, and all the ſaids Heirs female ſua ſucceeding, and Heirs-male and Female deſcending of their Bodies, *ſhall be holden* and obliged, and by the Acceptation of the ſaid Diſpoſition, bind and oblige them in all time coming, to aſſume, uſe and bear the Sirname of *C.* and the Arms, Cognizance and Stile of *K. N.* ſhall it be leiſom and lawful to, or in the power of the Heirs-male or Female deſcending of the Body of the ſaid *A. C.* or of the Body of the ſaid *A. N.* (if it ſhall happen them to ſucceed in the Right of the ſaid Fortune and Eſtate, by vertue of the ſaid Diſpoſition and Tailzie) to Sell, Annalzie, Hypothecat,

(Or

(or Wadſet) Diſpone, or give, or grant Infeftments of Annualrents, or to ſet in Tack and Aſſedation above or beyond the ſpace of the Setter his Lifetime, any of the Lands or others above diſponed, with the Pertinents or Teinds thereof aſſigned to them by the ſaid Diſpoſition, nor to contract Debt thereupon, or to do or commit any other Fact or Deed Civil or Criminal, whereby the ſaids Lands, Teinds, and others above diſponed and aſſigned, or any part or portion thereof may be any manner of way, Burdened, Affected, Evicted, Appryſed, or adjudged or whereby the ſame may become any manner of way Caduciary, Nor ſhall it be leiſom to them directly or indirectly to change or innovat the ſaid Tailzie, or Order of Succeſſion thereby Ordained and Appointed, or to fruſtrat the Dotation and Mortification therein deſigned, Appointed and Preſcribed in the Event or caſe above-expreſt; And in caſe the ſaids Heirs-female of the ſaid Captain *A. C.* his Body, or of the Body of his ſaids Sons, deſcending and failzeing of them, the Heirs-female of the ſaid *A. N.* ſhall fail to aſſume, and inſtantly to uſe the Name, Arms, and Stile in manner-bove-ſpecified or if the Heirs-male or Female of the ſaid *A. C.* his Body, or failzeing of him without Succeſſion of his body, the ſaid *A.* N. and Heirs-male or Female of his body, *ſhall Sell*, Annalzie, Impignorat or Diſpone, or Grant Infeftments of Annualrents, or grant Tack for any longer ſpace than the Lifetime of the Granter of any of the ſaids Lands and others above-diſponed, or yet the Teinds aſſigned by the ſaid Diſpoſition, or contract Debt thereupon, or do or commit any other Fact Civil or Criminal, whereby the ſame may be any ways burdened, Affected, Evicted, Appryſed or Adjudged, or by which the ſame may become any manner of way Caduciary, or Forefeited, or yet Innovat or alter the ſaid Tailzie, or Order of Succeſſion therein appointed, or do any Deed to fruſtrat the Dotation or Mortification ſet down, Appointed and Preſcribed in the ſaid Right and Diſpoſition in the Event or caſe above and therein-expreſt, and for the ſaids Cauſes, or one or other of the ſaids Proviſions, therein and above-mentioned, to contraveen: *Then* and in either of theſe caſes, the ſaids Facts and Deeds ſhall not only be null and void, in ſo far as the ſaids Lands and others therein and above-ſpecified, and Teinds thereby aſſigned, or thoſe who ſhall ſucceed in the ſame may be burdened, but alſo the perſons contraveening and doing or acting in the contrary, ſhall amit and tyne all Right which he has, or by vertue of the ſaid Right and Tailzie, or otherways can pretend to the ſaids Lands, Teinds and others above-ſpecified, and the next in order of Succeſſion (who ſhould ſucceed therein, if the perſon doing in the contrair were dead) ſhall have Right to the ſame, and failzeing of the ſaid *G. C.* without Heirs of his *Body*, and others deſcending of the ſaid Captain *A. C.* his body, in this or any other future Marriage, as alſo of the ſaid *A. C.* his body, in this or any ſubſequent Marriage, and of the ſaid *A. N.* without Heirs of his body, or if the Heirs-male or Female of the ſaid *A. C.* his body, Whilks failzeing, the ſaid *A. N.* and the Heirs male and Female of his body, upon whom the Right of the ſaids Lands, Teinds, and others foreſaids is eſtabliſhed ſhall fail or contraveen in the Premiſſes, the ſaid Moderator and *Brethren* of the Exerciſe or Presbytrie foreſaid ſhall have Right thereto, and in whoſe favours reſpective, he who ſhall contraveen and do in the contrair, ſhall be holden and obliged to denude, *ſtill* with the Proviſions, Limitations and Reſtrictions above-mentioned, and it ſhall be lawful to the next in the order of Succeſſion, and failzeing of Succeſſion, or in caſe of Contravention, to the Moderator and Brethren of the ſaid Exerciſe or Presbytrie aforeſaid for the time-being, and their Succeſſors from time to time, Moderators and Brethren of the ſaid Exerciſe (or Presbytrie) as Truſtees and *Fide-Commiſſaries* for the ſaid *Poor*, and others under-written, to purſue and proſecute Actions of Declarator, Appryſe or Adjudge, and to obtain thoſe (who ſhall contraveen and come in the

contrary of the premiſſes) denuded thereof, they always obſerving and performing the ſaid Tailzie and Conditions thereof. *And in the Third Place*, by the ſaid Right and Diſpoſition, and thir preſents and Charter to follow thereupon, it is expreſly provided and Declared, that as the ſaids Heirs Male and Female of the ſaid *A. C.* his Body: Whilks failzeing, the ſaid *A.* N. and heirs-male and Female of his Body, (if the ſaid Fortoun and Eſtate ſhould divolve upon them) have no power or Liberty to diſpone, alienate or Impignorat the Lands and others above-ſpecified, with the Pertinents and Teinds aſſigned by the ſaid Diſpoſition, or to grant Rights of Annualrent furth thereof, or to ſet Tacks and Aſſedations beyond the life of the Granter, or to contract Debt thereupon, or to do any other Fact or Deed whereby the ſaids Lands and others foreſaids, and Teinds thereby aſſigned, may be burdened and affected, evicted, appryſed or adjudged, or the ſaid Mortification or Dotation fruſtrat, in manner above-mentioned, ſo it ſhall not be leiſom or lawful to of the ſaids Heirs of Tailzie, whether Male or Female, to ſuffer and permit the ſaids Lands and others above-ſpecified, and Teinds thereof above aſſigned, or any part or portion thereof, to be Appryſed, Adjudged, or otherways Evicted for any Debts or Feu-duties, Blench-Duties, Nonentry, or other *Duties*, Miniſters or School-maſters Stipends, Reparation of Kirks and Kirk-yard-dyks, or for any other Reaſon or Ground of Debt or Cauſe whatſomever, to which they may be obliged, and if they do in the contrair, and not redeem any ſuch Appryſings or Adjudications within the ſpace of two years, before Expiration of the Legal: *Then* and in that caſe (and whenever the Legal thereof ſhall come within the ſpace of two years of the Expiration as ſaid is) it ſhall be lawful to the next in Succeſſion and Tailzie, and in their power to redeem the ſame, and to poſſeſs all the Lands and others above-written, and Teinds thereof aſſigned (the *Lands* appointed in Liferent excepted) as ſaid is, and all the Profits and Duties thereof until they be reimburſed of that which they payed, in order to the ſaid Redemption, with the neceſſary Expenſes and Annualrents *de die in diem* after Redemption, and during the not payment, neither in the Exoneration or Diſcharge of their Intromiſſions ſhall they be furder burdened than for their Actual Intromiſſion, and what they uplift, and all Miniſters Stipends and other publick Burdens, and what elſe payable furth of the ſaids Lands, and for which they ſhall produce ſufficient Acquittances and Diſcharges, to be in the firſt place deduced and defalcat) *And in the fourth Place*, by the ſaid Diſpoſition and thir preſents and Charter aforeſaid to follow thereupon, it is expreſly provided and declared, that if any of the Heirs-male or Female of the ſaid *A. C.* his Body; Whilks failzeing, the ſaid *A.* N. and Heirs-male or Female of his body, ſhall at the time of their Succeſſion be Debitors, or lyable in any Debts or Deeds: That then and in that caſe, the ſaids Debts and Deeds ſhall no ways burden or affect the ſaids Lands, Teinds, and others above-mentioned, or any part thereof, or the Mails, Farms, Profits and Duties of the ſame; And in caſe any of the ſaids perſons or their Heirs ſhall act or come in the contrair of the Premiſſes, it ſhall be leiſom and lawful to the next in the order of Succeſſion, and Succeſſion failzeing, or in caſe of Contravention, to the ſaid Moderator and *Brethren* of the Exerciſe and Presbytry aforeſaid for the time being, and to their Succeſſors from time to time Moderators and *Brethren* of the ſaid Exerciſe or Presbytry above-written, as Truſtees and *Fide-Commiſſaries* aforeſaid, and for the uſe above and after-ſpecified, to purſue and proſecute Actions of Declarator, Appryſe or Adjudge for denuding the Contraveeners thereof (they always obſerving the ſaid Tailzie and Conditions thereof.) *In the fifth Place*, by the ſaid Diſpoſition, as alſo by thir preſents, it is expreſly provided and declared, that notwithſtanding of the prohibitatorie Proviſions above-mentioned; Yet nevertheleſs it ſhall be ſtill leiſom and lawful to the Heirs-

male

male deſcending of the ſaid *A. C.* his body, in this or any ſubſequent Marriage and to the ſaid *A. N.* and to the Heirs-male of his body (if the ſaid Fortune, and Eſtate be divolved upon them) to grant Joyntures to their Wives out of the ſaids Lands and Eſtate, but no ways by way of Annuity or yearly Annualrent, but by Liferents of the Property (and not exceeding the third part thereof) Whilk alſo ſhall be burdened with the third part of Miniſters Stipends, and publick Burdens occurring for the time; and whilks Liferents ſhal be in full and plenary Satisfaction of Terces: And if there be no Heirs-male but Females to ſucceed in the ſaid Eſtate, by the ſaid Diſpoſition and thir preſents, It is provided and declared, that it ſhall be leiſum and lawful to the ſaids Heirs-females ſua ſucceeding, to provide their Husbands to Liferents (not exceeding the half of the ſaid Eſtate) in ſatisfaction of all Right of Courteſie, and it ſhall be lawful to the ſaids Heirs, whether Males or Females ſucceeding to the ſaid Eſtate, to provide their Children (beſides the Heirs) to Sums of Mony (the Proviſions of the younger Children not exceeding in the haill, three years free Rent to be ſecured) by Infeftment in a part of the Eſtate, correſponding to the Sum, without Requiſition at their Age of ſixteen years, but bearing Annualrent yearly and Termly, als well to the ſaid Age as thereafter, during the not payment, if through not payment Appryſing or Adjudication follow, the Perſon for the time Proprietar ſhal be holden to redeem the ſame within the ſpace of two years preceeding the Expiration of the Legal, or els the next in the Right of Succeſſion may do the ſame, and poſſeſs untill repayed, in Manner, in the Terms, and with the Latitude above-expreſt, and Whilk Security ſhall alſo bear notwithſtanding Premonition at any time als well before as after the ſaid Age. And farder if the ſaid Fortune and Eſtate (failzieing Heirs-male) ſhal be divolved upon the Heir-female, or eldeſt Daughter without Diviſion as ſaid is, and that the Father during his Lifetime do not provide the younger Children, then and in that caſe the eldeſt Daughter or Heir-female ſo ſucceeding ſhall be holden and obliged, and by the Acceptation of the ſaid Diſpoſition, binds and obliges her ſelf to pay to the younger Siſters competent Proviſions, not exceeding in the haill three years free Rent of the ſaid Eſtate, and that at their Age of eighteen years, or ſooner if Married with Annualrent thereafter during the not payment, and in the mean time to Educat and Aliment them untill the ſaid Age of Eighteen years or Marriage reſpective, according to their Degree and Quality, *And in the Sixth place* in Reſpect the ſaid Lands of *H.* and *O*, with the Mannor-place, Houſes, Biggings, Yards, Milns, Milnlands and others above-ſpecified Diſponed by the ſaid A. Counteſs of *T*, to the ſaid Captain A. C. his Heirs and Succeſſors are redeemable and under Reverſion from him and his foreſaids by her and others having Right to the ſaid Reverſion, by Payment or Conſignation (in caſe of Abſence or Refuſal) of the Sum of Twenty thouſand *Merks* uſual Mony of this Kingdom, and of the other Sums ſpecified and contained in the Rights and Infeftments granted to the ſaid Captain A. C. and his Cedents and Authors of the ſame, and upon the other Proviſions and Conditions therein mentioned, conceived in their favours; and in like manner becauſe the Tenements and others generally above and in the ſaid Diſpoſition ſpecified (but particularly Set down, Nominat and Deſigned in the ſaids prior Rights pertaining heretably to the ſaid Captain A. C. and lying within the Burgh of *E.* at leaſt that part thereof Adjudged by the ſaid Captain from *I. B.* are redeemable and under Reverſion by Act of Parliament, by Payment of the Sums contained in the Decreet of Adjudication led and deduced at the inſtance of the ſaid Captain A. *C.* againſt him thereanent, and thereby otherways due of the Law, therefore by the ſaid Diſpoſition and thir Preſents it is expreſly Provided and Declared that it ſhal not be lawful to the ſaid A. C. eldeſt Son to the ſaid Captain A. C. or to the Heirs-male or Female of his Body;

A*nd* failzieing of them to the ſaid A. N. or Heirs-male or Female of his Body, and failzieing of them to the ſaids Truſtees and Fide-commiſſaries above and after-ſpecified, to uplift the ſaids Sums due upon the ſaids Lands of *H.* and *O.* with the Pertinents, or yet the Sums due by vertue of the ſaid Adjudication, except for the ſpecial Uſe and End after-mentioned, *viz.* for Acquiring convenient and well holden Land, for the Uſes Ends and Effects, and with and under the Conditions and Proviſions enumerat in the ſaid Diſpoſiton and thir Preſents and no otherwiſe: *And in the Seventh Place*, becauſe (failzieing Heirs-male and Female procreat or deſcending of the ſaid *G. C.* Son to the ſaid Captain *A. C.* his Body, and of the ſaid Captain *A. C.* his own Body in this or any other ſubſequent Marriage, and of Heirs-male and Female of the ſaid *A. C.* and *A. N.* their Bodies, or in the caſe of Contravention in manner foreſaid) not only the ſaids Lands and others above-ſpecified with the Pertinents and Teinds Aſſigned by the ſaid Diſpoſition, but alſo the Tenements, Cellars, Booths, Vaults, Yards and others above-written, pertaining to the ſaid Captain *A. C.* lying within the ſaid Burgh of *E.* by the ſaid Diſpoſition, and by vertue of other Rights, Tranſmiſſions and Conveyances made by him of the ſaids Tenements, Cellars, Booths, Vaults, Yards and others above-written, lying within the ſaid Burgh of *E.* dated the ſaid *Diſpoſition* the eight day of *Auguſt* 1684, and of the Procuratory of Reſignation therein contained, and Infeftments following or competent to follow thereupon, and in the ſaid Diſpoſition and in thir Preſents holden as for expreſt *brevitatis cauſa*, are Sold, Diſponed and Mortified by the ſaid Captain *A. C.* to the ſaid *M*oderator and Brethren of the Exerciſe of the ſaid Presbytry of *P.* for the time being and to their *S*ucceſſors, Moderators and Brethren of the ſaid Exerciſe or Presbytry from time to time, for ever in all time thereafter, as Truſtees and *Fide-commiſſaries* for the Uſe and Benefit of the Poor, and others therein and after-mentioned; *Therefore* by the ſaid Diſpoſition as alſo by thir Preſents it is expreſly Provided and Declared, likeas by the ſame it is Ordained and Appointed to be Provided and Declared by the Reſignation and Infeftment to follow thereupon, and in like manner by the Infeftment narrated in the ſaid Diſpoſition to follow upon the former Procuratory of Reſignation, and by the Reſignation made by vertue thereof, That how ſoon the Right of the ſaids Lands, Tenements, Cellars, Booths, Vaults, Yards and others diſponed by the ſaid Right and Diſpoſition, and by the prior Right and Procuratory and Teinds of the ſaids Lands, with the Pertinents ſhall come to be divolved upon, and in favours of the ſaid Moderator and Brethren of the Exerciſe of the ſaid Presbytry of *P.* for the time exiſting, and of their Succeſſors Moderators and Brethren of the ſaid Exerciſe and Presbytry of *P.* as Truſtees and *Fide-commiſſaries* for the Uſe and Behove of the Poor and others after-named, and that either by the Non-exiſtance of the ſaids Heirs, or by Contravention in the caſes above-ſpecified, That then and immediatly thereafter, the Houſes, Yards, Orchyards, Parks and Office-houſes of *K.* ſhall be Erected, Converted Eſtabliſhed and Founded in an Hoſpital, to be Called and Deſigned in all time thereafter, THE HOSPITAL of CAPTAIN *A. C.* HIS MAJESTIES MASTER SCLAITER, in which (at the Sight and Inſpection, and with *A*dvice of the ſaid Moderator for that time, and of the Brethren of the Exerciſe or Presbytry aforeſaid, or *M*ajor part of them, with Conſent and Concurrence of the *A*rch-biſhop of *G.*) an convenient place or Room with an Dask and Seats alſo convenient, ſhall be ſeparat, Set a part and Conſecrat to be called and deſigned in all time thereafter the ORATORY of the ſaid HOSPITAL, and in like manner the ſaid Moderator and Brethren aforeſaid, or *major pars* of them, ſhall deſign and ſet a part, or Segregate an Hall and Dinning-Room, and other convenient Places & Rooms for the Poor and other perſons after-ſpecified, pertaining to the ſaid *Hoſpital*, in which they may ly and lodge in, with Beds

and

and Bed-cloaths ſuitable, with Cellars, Girnal-houſes and other Places and Rooms convenient, Brew-houſes and Brewing Veſſels or Looms, Kitchins and Kitchin Veſſels: *In the next Place*, the ſaid Moderator and Brethren aforeſaid or *major pars* of them (the Moderator being ſtill one) ſhall Nominat, Appoint and Conſtitute an Factor for Uplifting and Collecting of the Rents of the ſaids Lands Tenements, Cellars, Booths, Vaults, Yards and others above-diſponed and Teinds above-aſſigned, *With Power* to him to uſe Warnings in their Names, to Remove, Output and Input Tennants, and to ſet the ſaids Lands and others foreſaids in Tack and Aſſedation, without Dimunition of the Rental, (which by them ſhall be ſubſcribed and delivered to the Factor the time of his Entry, unleſs the ſame be with Conſent of the Moderator and *major pars* of the Brethren) and to call and hold Courts for the ſaids Duties, and Fine and Amerciat within the Sphere of an Heretor, and to Uplift the ſame, (*excepting always as to the Woods after-ſpecified, for which there is a Forreſter and Keeper Appointed in manner after-mentioned*) and to Poind and Diſtrenzie for the ſaids Rents, Fines and Amerciaments, and to grant Diſcharges for the ſame, the ſaid Factor being always Comptable to the Moderator and Brethren aforeſaid, or *major pars* of them (of which the Moderator ſhall be ſtill one) and that for the uſe of the Poor and others after named, *In the third Place* (here take in all the reſt of the Mortification untill ye come to the Clauſe of Regiſtration, which I have omitted here *brevitatis cauſa*, but was inſert in the Signature, Charter and Seaſin following thereupon, of which and Mortification it ſelf, I was Writer, and Nottar to the Seaſin, and ye will find the ſaid Mortification amongſt Securities which is the fifth part of the Siſtem of Stiles, and the Index of that part will direct you thereto, only Remember that in the Signature ye muſt ſpeak of the Donner Captain *A. C.* in the third perſon and not in the firſt, as in the Mortification, becauſe the Donner ſpeaks there but the King in the Signature, *and then ſay*) as Authentick Inſtruments taken upon the ſaid Reſignation in the hands of *G. D.* of *S.* writer to his Majeſties Signet and Nottar publick, in themſelves more copiouſly is comprehended: And his Majeſty (with Conſent foreſaid) Wills and Grants, and for his Highneſs and his Royal Succeſſors Decerns and Ordains that an Seaſin to be taken by the ſaid G. *C.* and Heirs-male of his Body, Whilks failzieing by the other Heirs-male and of Tailzie above-mentioned, and failzieing of all the ſaids Heirs by the ſaid Moderator and Brethren of the ſaid Exerciſe or Presbytry of P. as Truſtees and *Fide-commiſſaries* aforeſaid, and for the Uſe and Benefit of the *Poor*, and other perſons above-written, now and in all time coming at the Mannor-place and Principal Manſion of *K.* or upon the Ground of any part or portion of the ſaids Lands and others above-diſponed with the Pertinents, is and ſhall be als valid and ſufficient an Seaſin to them for all and ſundry the ſaids Lands, Milns, Miln-lands, Woods, Fiſhings and others above-mentioned with the Pertinents, as if an particular Seaſin were taken by them upon each part and portion thereof, albeit not ſua done, and notwithſtanding of their Diſcontigutiy, *Whereanent* and with all that may follow therenpon, or that can be any ways objected againſt the Validity of the ſaid Seaſin, His Majeſty with Conſent foreſaid has diſpenſed, and by thir Preſents for his Highneſs and his Royal Succeſſors diſpenſes for ever *to be holden*, and for to hold all and ſundry the foreſaids Lands, Milns, Miln-lands, Woods, Fiſhings, and others particularly and generally above-diſponed, with the Pertinents to the ſaid *G. C.* and Heirs-male of his Body, Whilks failzieing to the other Heirs-male and of Tailzie above-ſpecified, of his Majeſty and Royal Succeſſors in Fee and Heretage for ever, with and under the expreſs Reſervations, Proviſions, Conditions, Limitations, Reſtrictions, Power and Faculty above-mentioned, and no otherways, and failzieing Succeſſion of the

ſaid *G. C.* Captain *A. C. A. C.* and *A. N.* their Bodies in manner foreſaid, to the ſaid Moderator and Brethren of the Exerciſe and Presbytry of *P.* as Truſtees and *Fide-commiſſaries* for the Uſe and Utility of the poor and other perſons above-expreſt, (obſerving the Rules, Orders, Conſtitutions and Statutes above-rehearſed, and under Reverſion always, the ſaids Lands of *H.* and *O.* with the Miln and Pertinents in manner above-exprimit) alſo of his Majeſty and Royal Succeſſors in Mortification *& puram Elemoſinam*, Fee and Heretage for ever, by all Rights, Meaths and Marches of the ſame, old and divided, as the ſame ly in length and breadth, in Houſes Biggings *&c.* Moſſes Muires, *&c.* Milns Miln-lands, *&c.* Halking, Hunting, Fiſhings, Coals, Coal-heughs, Doves, *D*ovecates, Cunnings, Cunningares, with Courts, Pleins, Herezalds, *&c.* and free Iſh and Entry, *&c.* and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giving* therefore yearly the ſaid *G. C.* and Heirs-male of his body, whilks failzeing the other Heirs-male and of Tailzie above-mentioned, and failzeing Succeſſion of the ſaid *G.* Captain *A.* and *A. C.* and of the ſaid *A. N.* their bodies in manner above-written, the ſaid Moderator and Brethren of the ſaid Exerciſe, and Presbytrie of *P.* as Truſtees and *Fide-Commiſſaries* above-ſpecified, for the uſe and Utility of the ſaid *Poor*, and other perſons above-mentioned to his Majeſty and Royal Succeſſors as Superiors, the reſpective Duties under-written. *viz.* For the ſaids Lands of *K.* and Pendicle thereof, called *G.* with the Mannor-place, and all and ſundry Houſes, Biggings, Yards, Orchards, Milns, Woods, Fiſhings, Parts, Pendicles, Annexes, Connexes, & Pertinents thereof, the Feu-Duties, Blench-Duties, and other Duties (if any be) due and payable to them furth of the ſame, and contained in the original Rights and Infeftment thereof before the granting of thir preſents, and Charter aforeſaid to follow thereupon, and for the ſaid juſt and equal half of the ſaids Lands of *H.* with the Pertinents, the Sum of Twenty Merks *ſcots* Money, at two Terms in the year, *viz.* *Whitſunday* and *Martinmaſs*, by equal portions during the Ward and Nonentry thereof, with the like Sum of twenty Merks Money foreſaid for the Relief, and the Sum of two hundred Merks Money above-written, for the Marriage of the Heir or Heirs, and that alſe oft and how oft the half of the ſaids Lands of *H.* with the pertinents, ſhall happen to fall into the hands of his Majeſty or Royal Succeſſors, by reaſon of Ward and Nonentry in all time coming, during the not Redemption, as the juſt and equal half of the Sum of fourty Merks money foreſaid for the Ward and Nonentry, Fourty Merks for the Relief, and of Four hundred Merks money above-written for the Marriage, and to which Sums the ſaids haill Lands of *H.* with the Pertinents are taxed, and whilks Ward, Nonentry, Relief and Marriage of the ſaids Heirs, how oft the ſaids Lands, by reaſon of ward and Nonentry ſhall happen to fall in the hands of his Majeſty and his foreſaids, were diſponed by his *M*ajeſties deareſt Father King *Charles* the Firſt, of moſt bleſſed *M*emory, in favours of the deceaſed *J. E.* of *T.* and of his Son and their Aſſigneys, conform to a Charter granted to them thereupon, under his *M*ajeſties Great-Seal, of the date —— day of —— 1638: And his Majeſty with conſent foreſaid, by thir preſents, gives Power and Commiſſion to the ſaid *G. C.* and his Heirs-male above-ſpecified, Whilks failzeing, to the other Heirs male and of Tailzie above-mentioned, and their Succeſſors and Aſſigneys to enter Heirs in ſpecial to their Predeceſſors in the ſaids Lands, with the Pertinents, and that by Breives furth of his Highneſs Chancellary, and to retoure the ſaids Services, and to obtain themſelves infeft thereupon, notwithſtanding of the Nature of the Holding, and that they be Minors for the time, and without neceſſity of any other Warrand or Diſpenſation to be had for that effect. Whereanent, and with the Inqueſt and Giver of the Seaſin, his Majeſty for himſelf and Royal Succeſſors with Conſent

aforeſaid

aforeſaid, has diſpenſed, and by thir preſents diſpenſes for ever, and Wills and Declares the ſame to be als valid and ſufficient, as if the ſame were done after their full and perfect Age of twenty one years compleat: And ſicklike giving yearly the ſaids perſons to his Majeſty and his Royal Succeſſors for the ſaids Lands of *O.* with the pertinents, one penny *ſcots* Money upon the Ground of the ſaids Lands, at the Feaſt of *Whitſunday* yearly, in name of Blench-Farm (if it be asked allannerly) for all other Burden, Exaction, *&c.* And moreover his Majeſty has Ratified, Approven, and for his Highneſs and his Royal Succeſſors perpetually confirmed; Likeas, His Majeſty with Conſent foreſaid, by thir preſents, Ratifies, Approves, and for his Highneſs and Succeſſors perpetually confirms, all Charters, Seaſins, and other Rights made and granted by his Majeſty and his moſt ſerene Progenitors, or any other perſon or perſons to the ſaid Cap. *A. C.* and to the deceaſt *J. M.* of *P.* or to any others their Predeceſſors or Succeſſors, Cedents and Authors, of, upon, and concerning the ſaids Kirklands called *K.* and Pendicle thereof, called *G.* Mannor-place, Houſes, Biggings, Yards, Orchards, Milns, Miln-Lands, Parts, Pendicles, and all their Pertinents, in the haill Heads, Articles and Clauſes thereof; Admiting and Declaring the Generality foreſaid to be als valid and ſufficient, and of als great Force, Strength and Effect, to all Intents and Purpoſes, as if the ſaids Writs and other Rights generally above-confirmed were *de verbo in verbum* herein Inſert and Ingroſſed, and as if the ſaid Confirmation were granted before the year one thouſand five hundred fourſcore ſeven, and before the Death of the Granters and Receavers thereof, albeit not ſo done, Whereanent his Majeſty with Conſent foreſaid has alſo diſpenſed, and for his Highneſs and his Royal Succeſſors, by thir preſents diſpenſes for ever. *Safeing* and reſerving always to his Majeſty, the Feu-duties, Blench-duties, and other Duties (if any be) due and payable to them furth of the ſaids Lands, and contained in the ſaid Captain *A. C.* and his Predeceſſors and Authors, their Rights and Infeftments of the ſame, at any time before the ſaid Confirmation, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

Nota, *The Inſtrument of Reſignation as well as the Signature, Charter and Seaſin contained all the Clauſes both of the Tailzie and Mortification; Becauſe ſo expreſly appointed by the Donnor, and in the like caſe ſhould be obſerved by all Writers, as the Rule.*

Nota, *There be many Tailzies, (and of various Natures) yea, at times the Maker thereof, upon* Diſobligements *from ſome of his near Relations, or their being unworthy or uncapable to ſucceed to the Fortune, and at other times, ſome of his own Children may be* Profligats, *and profuſe in their Lives, yea, Marry below their Quality, without Knowledge or Conſent of the Father, and to the Diſhonour and Diſparagement of the Family, and ſuch Acts being unnatural and unfilial (and beyond all peradventure Irreligious) and tending to, and an evident preſage of the Ruine and Suppreſſion of the Fortune (ſhould they ſucceed) the Maker of the Tailzie (upon thoſe or like Conſiderations, and probably the Diſloyalty of Children or Friend a clear ground of Forefeiture) paſs by, and balk not only ſuch, but even thoſe deſcending of their Bodies, and devolve the Eſtate upon the next* Son *(albeit younger) and the Heirs-male of his Body, and ſo down-ward, and at other times Parents are ſo merciful and indulgent to ſuch* Profligats, *who are not* rerum ſuarum providi, *and diſobedient Sons, that not being without hope, that they may repent and reform their Lives and Manners (there being nothing impoſſible with God)*

that even in the ſame Tailzie wherein ſuch are excluded, the Granter or Maker thereof reſerves not only Power and Faculty to himſelf at any time in his Lifetime, to Alter, Innovat and Change the Tailzie, and manner thereof, by a new Reſignation or other Write, under his Hand, ſignifying his Inclinations as to thoſe excluded and their Succeſſion to the Eſtate, Notwithſtanding, and that in the due order of their Birth, and as if they had not been ſecluded, but alſo, reſerve Power and Faculty to ſo many of his Friends or Quorum *of them (the Number whereof is particularly named and conſtitute, and probably a* ſine quo non *appointed) to grant a Reverſion to the perſon excluded, if they find his Life and manners altered to the better in his Virtues, Morals and Religion, upon payment or Conſignation of ſuch a Patrimony to the younger Son in the Tailzie, as they ſhall pleaſe determine, but if they (or* Quorum *aforeſaid) find him perſiſt in his former way of Life and Profuſdneſs, with power to them or* Quorum *(whereof the* ſine quo non *muſt be one) to Renunce and Diſcharge the ſaid Reverſion, in full and ample Form, and as if the ſame had never been granted or provided, whereby the younger Son in the Tailzie, and Heirs-male of his Body, whilks failzeing, the other Heirs-male and of Tailzie, therein-ſpecified (downward) and in the Order of the Tailzie, may peaceably poſſeſs, Bruik and enjoy the Eſtate conform to the firſt Deſtination of the Tailzie, with and under the expreſs Conditions, Proviſions, Declarations, Reſtrictions and Limitations therein contained, and their Obſervation, and not Contravention of the ſame, in manner, and in the Terms therein-expreſt.*

Nota, *I have ſeen the like, and where the Friends according to the Power given them, (upon grave and mature Conſiderations, renounced and diſcharged the Reverſion, and was Regiſtrat, by which the youngeſt Son (who was in the actual Fee by the Tailzie) deceaſing (without Heirs-male of his Body,) his Uncle as the next perſon in the Tailzie) ſucceeded to him in the Eſtate, but I was not Writer of the Tailzie, nor did I exped the Infeftment the Seals, but was Clerk to this Gentlemans Service, and ye will find it in the laſt part of the whole Syſtem of Stiles.*

Nota, *As Noblemen and Gentlemen may Tailzie their Eſtates in what Terms, and with and under what Proviſions, Reſervations and Reſtrictions they pleaſe (and no doubt by Advice of Lawyers) ſo the Writer (obſerving the Tailzie in all its Tenors and Circumſtances, both in the Inſtrument of Reſignation, Charter and Seaſin, and other Clauſes proper in the Signature, as to Erections, Diſpenſation for taking Seaſin and* Tenendas *and* Reddendas, *according to the former Charters) he can hardly err, and if there be any Ward-lands, they may be Taxed in the ſame Signature under the Kings own hand, (whether as King, or as King,* Prince *and* Stewart *of* Scotland, *(if there be Lands holden of the* Prince *and* Stewart *als well as of the King,) for where there is no* Prince *(at the time) exiſting the King has Right and may do as to both, but when there is a* Prince *and* Stewart, *the* Prince *and* Stewart *of himſelf, and if* Minor *with Conſent of the King as Adminiſtrator, enters the Vaſſal in ſuch Lands and others as hold of the* Prince *and* Stewart, *and in the ſame Charter and Entry may Tax Ward Lands, (if any be) als well as any other Superior, and am clear that all Charters Taxing Lands be Ratified in Parliament that of Taxing (albeit for eminent Services) being a Diminution of the Caſualities falling out, and due by Simple Ward.*

SIGNATURE

SIGNATURE of the Dukedom of Lennox, *by King* Charles *the* 2d. *as neareſt Heir-male of the deceaſt* Charles *Duke of* Lennox, *in favours of* Charles *Duke of* Lennox *and* Richmond, *wherein there be Lands and others als well holden of the Prince and Stewart of* Scotland *as of the King, with new Erections, Regalities, Bailliaries and other things worthy of Obſervation.*

OUR SOVERAIGN LORD, Conſidering, that his Majeſty as neareſt Heir-male of the deceaſt *Charles* Duke of *Lennox* has ſucceeded, and has Right to all Lands, Lordſhips, Baronies, Earldoms, Offices, Advocations, Donations and Rights of Patronages and others, in which the deceaſt *Charles* Duke of *Lenox* died laſt veſt and ſeaſed, and his Majeſty (out of the Love and paternal Affection which he bears towards his moſt well beloved Natural Son *Charles* Duke of *Lenox* and *Richmond*) having Appointed and Ordained to Diſpone to the ſaid Duke the Eſtate of *Lenox*, and that for ſupport of the Dignity and Title of the Duke of *Lenox* and *Richmond*, conferred and collated by his Majeſty not long ago upon him: *Therefore his Majeſty as King, and as Prince and Stewart of* SCOTLAND, as alſo as neareſt Heir-male foreſaid, of the ſaid deceaſt *Charles* Duke of *Lenox*, with the ſpecial Advice and Conſent of his Highneſs well beloved Couſins and Counſellors, (*here the Conſents are taken in being then in a Theſaury*) Gave, Granted and Diſponed, Likeas his Majeſty (as King and as Prince and Stewart of *Scotland*, and likeways as neareſt Heir-male of the ſaid deceaſt *Charles* Duke of *Lenox*) by thir preſents, Gives, Grants and Diſpones, and for his Highneſs and Royal Succeſſors perpetually confirms to the ſaid *Charles* Duke of *Lenox*, and to the Heirs-male to be procreat of his Body (whilks failzeing to revert to his Majeſty and to his Heirs and Succeſſors) *All and ſundry* the Dukedoms, Earldoms, Lordſhips, Baronies, Regalities, Lands, Offices, and others reſpective and particularly under-written, with the Caſtles, Towers, Fortalices, Mannor-places, Milns, Miln-lands, Woods, Fiſhings, Tennents, Tenendries, and Services of free Tennents thereof, Chaplanries, Prebendaries, Advocations, Donations, and Right of Patronages of the ſame parts, pendicles, and all and ſundry their Pertinents lying as follows. *viz. All and haill* the Dukedom, Earldom, Lordſhips, Barony and Regality of *Lenox*, with free Chappel, and Chancellary, and with all and ſundry Immunities, Priviledges and Liberties of free Regalities containing therein ſpecially the Lands, Lordſhips, Barronies, Caſtles, Offices, and others particularly and generally after-mentioned, alſe-well Property and Tenendry, as ſuperiority of the ſame. *viz. All and haill* (*here the particular Lands, Fiſhings, and others belonging to the ſaid Dukedom, are particularly inſert, but omitted herein as extranious to Stile, and upon publick Record*) *All lying* within the Sheriffdoms of *Dunbarton and Striveling reſpective*; As alſo, all and haill the Lands and Lordſhip of *Methven*, with the Caſtles Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Meadows, Woods, Milns, Fiſhings, Tennents, Tennendries, and Services of free Tennents thereof, Advocation, Donation, and Right of Patronages, of the Provoſtry and Prebendaries of the Collegiat Kirk of *Methven*, and of all other Churches and Chaplanries of the ſame, with their Pertinents, extending to Twenty pound Lands of old extent, lying within the Sheriffdom of *Perth*: *And likeways* all and haill the Office of Admirality of his Majeſties whole Kingdom of *Scotland*, and *Iſles* thereof, including and comprehending the *Iſles* of *Orknay* and *Zetland*, and all other Iſles belonging to his Majeſties Kingdom aforeſaid, with all and ſundry Prehemínences, Dignities, Priviledges, Immunities, Juriſdictions, Fees, Caſualities, Profits and Duties whatſoever pertain-

ing thereto, or that ſhall be known to belong to the ſame any manner of way; *And all and haill* the Office of Chamberlanrie of the ſaid Kingdom of *Scotland*, with the Priviledges, Honours, Dignities, and Commodities whatſoever pertaining thereto; And in like manner, all and haill the Caſtle of *Dumbarton*, with the haill Lands, Teinds, Annualrents, Fiſhings, Farms, Duties, and other Caſualities belonging to the ſame, extending in the haill to Fifty three pounds ſix ſhilling and eight Pennies, of Lands of old extent, *all* Unite, Annexed, Erected, Creat and Incorporat in one free Dukedom, Earldom, Lordſhip, Barony, and Regality, called the Dukedom, Earldom, Lordſhip, Barony, and Regality of *Lenox*, with priviledge of free Chappel and Chancellary: *Ordaining* the Place of *Inch-Mirran* to be the principal Meſſuage of the ſaid Dukedom; *And in like manner*, all and haill the Earldom, Lordſhip, Barony, and Regality of *Darnlie*, with free Chappel and Chancellary, and with all Priviledges, Immunities, Honours, Dignities, Caſualities, Profits and Commodities whatſoever pertaining and belonging to a free Earldom, and to a free Regality, Chappel and Chancellary, comprehending in it ſelf particularlyall and ſundry the Lands of (*here are inſert the Lands, Parſonages, Teinds, and others belonging thereto, but here omitted, as extranious to Stile* and upon publick Record) and then it is ſaid, lying within the Regality of *Darnly*, and Sheriffdom of *Renfrew*, *and all and ſundry* the Parſonage, Teinds, and other Teinds, Parſonages and Vicarages of the Lands under-written. *viz.* Of the Lands of *Crookſtoun*, *&c.* lying within the old Parochin of *Paſly*, and Sheriffdom of *Renfrew*, *and all and haill* the Lands and Barrony of *Torbolton*, (*here are the particular Lands and others comprehended in the ſaid Barony, and then*) Extending to a Hundred Pound Lands of old extent, lying within the Sheriffdom of *Air*, all Unite, Annexed and Incorporat in a haill and free Earldom, and free Regality, called *the Regality of Darnly*, with priviledge of free Chappel and Chancellary as ſaid is: *Ordaining* the Caſtle of *Darnly alias Crookſtoun*, to be the principal Meſſuage of the ſaid Earldom; As alſo *all and haill* the Office of Bailliary of the Juſticiary, Barony and Regality of *Glaſgow*, within the haill Bounds of the Lordſhip, Barony and Regality thereof, and in all parts of the ſaid Lordſhip and Barony, as well within as without the Burgh of *Glaſgow*, with all Fees, Caſualities, Priviledges Immunities and Duties whatſoever uſed and wont, pertaining to the ſaid Office; *And likeways all and ſundry* the Lands and others under-written, of the Lands and Barony of *Kilmaronock* after-ſpecified. *viz.* (*here the particular Lands and others belonging thereto, are particularly inſert, with the old Extent thereof, and then it is ſaid*) all lying within the Barony of *Kilmaronock* (being formerly Parts and Pendicles thereof) Sheriffdoms of *Dumbartoun* & *Striviling reſpectivè*, and now by Annexation within the ſaid Sheriffdom of *Dumbartoun*, and were Unite, Erect and Incorporat in a haill and free Barony, called the Barony of *Kilmaronnock*, Ordaining the Tower and Fortalice of *Kilmaronnock*, with the Mannor place, Houſe and Edifices thereof, to be the principal Meſſuage of the ſaid Barony, and one Seaſin to be taken there to ſtand, and be a ſufficient Seaſin for all and ſundry the Lands and others above-written, with the Pendicles and Pertinents formerly unite in a Barony as ſaid is, without any other ſpecial or particular Seaſin to be taken at any other part of the ſaids Lands, and notwithſtanding of their Diſcontiguity; *And likeways all and ſundry*, the Lands and others under-written. *viz.* The Fourty ſhilling Land of *Barquhannan*, (*here are more Lands and others, but omitted, and then it is ſaid*) with all other Duties and Services uſed and wont, and pertained and belonging thereto, and with all and ſundry Houſes, Biggings, *&c.* lying within the Barrony of *Kilmaronock*, and Sheriffdom of *Dumbarton*; *As alſo all and haill* the Advocation, Donation, and Right of Patronage of the Church of *Kilmaronock*, with the Teinds, Parſonage and Vicarage great and ſmall thereof,

Fruits,

Fruits, Rents, Provents, Profits, Emoluments, and Duties whatſoever pertaining and belonging thereto, together with all other Lands, Lordſhips, Barronies, Milns, Woods, Fiſhings, Teiths, Advocations, Donations, Rights of Patronages, and others whatſoever pertaining to the ſaid deceaſt *Charles* Duke of *Lenox*, or to which his Majeſty as neareſt Heir-male, and of Tailzie to him, or to any of his Predeceſſors may ſucceed, together in like manner with all Right, Title, Intereſt and Claim of Right whatſoever, whilks his Majeſty as King, and as Prince and Stewart of *Scotland*, or as neareſt Heir-Male and of Tailzie, to the ſaid deceaſt *Charles* Duke of *Lenox*, had, have, or any ways may have, Exact, Claim or pretend to the ſaid Dukedoms, Earldoms, Lordſhips, Barronies, Regalities, Offices, Lands and others particularly and generally above-written, or to any part or portion thereof, or to the Mails, Farms, Profits and Duties of the ſame, and his Majeſty as King, and as Prince and Stewart of *Scotland*, as alſo as neareſt Heir-male, and of Tailzie of the ſaid deceaſt *Charles* Duke of *Lenox*, Wills and grants, and for his Highneſs and his Succeſſors, Decerns Declares, and Ordains, that the ſaid *Charles* Duke of *Lenox* and *Richmond*, and his foreſaids ſhall peaceably Bruik, Enjoy and poſſeſs the Dukedome, Earldom, Lordſhips, Baronies, Regalities, Lands, Offices, and others foreſaids, with the Pertinents thereof, ſicklike and als freely in all reſpects as his Majeſty, or the ſaid deceaſt *Charles* Duke of *Lenox*, or any of his Predeceſſors poſſeſt or might have poſſeſt and done at any time before the granting of thir preſents; *And moreover*, his Majeſty as King, and as Prince and Stewart of *Scotland* aforeſaid, has of new Unite, Annexed, Erected, Creat and Incorporat, and by thir preſents, of new Unites, Annexes, Erects, Creats and Incorporats the haill Lands, Lordſhips, Baronies, and others above-ſpecified, in a new Dukedom, Earldom, Lordſhip, Barony and Regality, to be called the *Dukedom, Earldom, Lordſhip, Barony and Regality of Lenox*, and in a new Earldom and Regality, to be called, The Earldom of *Dairnly*, as the ſame were formerly Unite in manner above-mentioned: And his Majeſty Wills and Grants, and for his Highneſs and his Succeſſors, *Decerns Declares* and *Ordains*, that the ſaids Seaſins to be taken by the ſaid *Charles* Duke of *Lenox* and *Richmond*, and his foreſaids in all time coming, at the principal Meſſuage of *Inſhmirran* ſhall ſtand and be valid and ſufficient for the ſaids haill Lands, Lordſhips, Baronies, and others above-written unite in the ſaid Dukedom: And that the ſaid Caſtle of *Dairnly*, alias *Cruikſtoun*, for the ſaid Earldom and Regality of *Dairnly*, and at the ſaid Mannor place of *Kilmaronnock*, for the ſaids haill Lands and Barony of *Kilmaronnock*, Right of Patronages, and other Lands above-mentioned belonging thereto, with the Pertinents thereof, according to the former Diſpenſations above-ſpecified, ſhall ſtand good and effectual for the whole other Lands and others foreſaids; *To be holden, and for to hold*, all and ſundry the ſaid Dukedom, Earldoms, Lordſhips, Baronies, Regalities, Lands, Offices, Advocations, Donations, Rights of Patronages, Tithes and others above ſpecified, with the Pertinents thereof lying as ſaid is, to the ſaid Duke of *Lenox* and *Richmond*, and his foreſaids of his Majeſty (as King, and as Prince and Stewart of *Scotland reſpective*) and his Higneſs Succeſſors, Kings, Princes and Stewarts thereof, in free Heretage, free Dukedom, Earldom, Lordſhip, Barony and Regality, and with free Chappel and Chancellary, and with all Priviledges, Immunities, Dignities, Honours, Caſualities, Profits and Commodities whatſoever, pertaining and belonging to a free Dukedom, Earldom, Lordſhip, Barony and Regality, with free Chapel and Chancellary, and in Fee and Heretage for ever, by all Rights, Meiths and Marches thereof, old and diviſed, as they ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muirs, *&c.* Milns, Multures, *&c.* Woods, Fiſhings, *&c.* Halking, Hunting, *&c.* Peits, Turffs, *&c.* Coals, Coalheughs, Doves, Dove-coats, Cunnings, Cunning-gares, with Court Plent,

Herezald, *&c.* Blood and Bloodwits, Furk, Foſs, *&c.* Pit and Gallows, *&c.* and with all and ſundry other Liberties, freely, quietly, *&c.* but any Revocation, *&c.* *Giving* yearly the ſaid *Charles* Duke of *Lenox* and *Richmond*, and his foreſaids to his Majeſty as King of *Scotland*, and to his Succeſſors Kings thereof, for all and haill the ſaid Dukedom, Earldom, Lordſhip, Barony and Regality of *Lenox*, with free Chappel and Chancellary, and with all Immunities, Priviledges and Liberties of free Regality, comprehending therein particularly the Lands and others above-written, with all and ſundry their Pertinents lying as ſaid is, Two *Pennies*, uſual Money of the ſaid Kingdom of *Scotland*, at the Feaſt of *Whitſunday*, upon the Ground of the ſaids Lands and others foreſaids, in name of Blenſh-Farm (if it be asked) allenarly; as alſo giving yearly to His Majeſty, as Prince and Stewart of *Scotland*, and to His Succeſſors, Princes and Stewarts thereof, for all and haill the ſaid Earldom, Lordſhip, Barony, and Regality of *Darnly*, with free Chappel and Chancellary therein contained, Lands and others above-mentioned, lying in manner foreſaid, an Penny *Scots* Money at the Feaſt of *Whitſunday*, upon the Ground of the ſaids Lands, in name of Blenſh-Farm (if it be asked) allenarly: *And ſicklike*, *Giving* yearly to His Majeſty as Prince and Stewart of *Scotland*, and to His Succeſſors, Princes and Stewarts thereof, for all and haill the ſaids Lands of *Inchſhuman*, with the Mannor Place, *&c.* and with Priviledge of Regality, free Chappel and Chancellary within the haill Bounds thereof, and all Immunities, Cuſtoms and Pertinents belonging thereto, an Penny *Scots* Money upon the Ground of the ſaids Lands at the Feaſt of *Whitſunday*, in name of Blenſh-Farm (if it be asked) allenarly. *And in like manner*, *Giving* to His Majeſty as King of *Scotland*, and, to his Succeſſors Kings thereof, for all and haill the Advocation, Donation, and Right of Patronage of the Paroch-Church of *Inchcynon*, Parſonage and Vicarage thereof, and for the haill Teinds, Parſonage and Vicarage, great and ſmall, of the ſaid Parochin, and of the other Lands and Poſſeſſions, and others within the ſame, and for all and haill the Teind-Sheaves, and other Teinds, Parſonages and Vicarages of the ſaids Lands of *Cruikſtoun*, and of the other Lands above-mentioned lying in the ſaid old Parochin of *Paſley*, an Penny *Scots* Money at the Feaſt of *Whitſunday*, in the ſaid Parochin of *Inchcynon*, in name of Blenſh-Farm (if it be asked) allanerly, and paying to the Miniſter ſerving the Cure at the ſaid Kirk, and to his Succeſſors in the ſaid Charge, their ſufficient Stipend for ſerving the Cure at the ſaid Kirk, and furniſhing the Communion Elements there, as alſo preſenting nominating and providing fit and qualified Perſons to the Office of the Miniſtry at the ſaid Church, whenſoever the ſame ſhall happen to vaick by deceaſe, deprivation, dimiſſion, tranſportation, or inhability, or any other manner of way; and for all and ſundry the Teind-Sheaves, and other Teinds, Parſonages, and Vicarages of the ſaids Lands of *Cruickſtoun*, and others above-written, lying within the ſaid ancient Parochin of *Paſley*, the Sum of thirty three ſhilling & four pennies, Money of the ſaid Kingdom *Scotland*, as the proportional part of the Blenſh-Farm Duty, uſed to be payed to his Majeſty by *William* Earl of *Dundonald*, for the erected Lordſhip of *Paſley*, and that for Releif of the ſaid Earl *pro tanto*, with twenty Bolls four Pecks of Oat-Meal of Teind, and five Bolls and eight Pecks of Bear of Teind, and fifty four pounds ſix ſhilling and eight pennies Money foreſaid yearly to the Miniſter of *Paſley* and his Succeſſors, allocat to them furth of the ſaids Teinds, as a part of their Stipend for their Miniſterial Service at the ſaid Kirk, and furniſhing the Communion Elements there yearly, and with the Annuities uſed to be payed yearly to his Majeſty, or thoſe having Right thereto from him, if any ſhall be found to be due for the ſaids Teinds, in ſo far as they are free over and above the Proviſion due to the ſaid Miniſter, furth of the ſame, according to the determination

made

made or to be made thereanent, and releiving the ſaid *W.* E. of *D.* and his Heirs and Succeſſors, of all Miniſters Stipends, Augmentations, Communion Elements, Impoſitions, Taxations, and all other Burdens whatſoever, impoſed or to be impoſed upon the Teinds of the ſaids Lands, according to the proportion and quantity thereof, in ſo far as they exceed and are above and beyond the proportion above-written modified furth of the ſame to the Miniſter of *Paſley*, and for reparation and ſuſtentation of the ſaid Church of *Paſley*, Quier, and Walls of the Kirk-yard thereof, and of all other Expenſe to which the ſaid E. of *D.* or his foreſaids ſhall happen to be burdened, affected or diſtreſt, correſponding always to the ſaid proportion and quantity of burden of Teinds of the ſaids Lands, in ſo far as they exceed and are above and beyond the ſaid Proviſion, modified and allocat furth thereof to the ſaid Miniſter of *Paſley*, as ſaid is; excepting nevertheleſs the preſent Stipends, Augmentations and proviſion for Communion Elements already modified and provided to the Miniſters of the ſaid Church of *Paſley*, by the Commiſſioners of Parliament for the time appointed for Plantation and Proviſion of Churches, to which the ſaid *Charles* Duke of *Lennox* and *Richmond*, and his foreſaids, ſhall no ways be burdened for the ſaids Teinds, further than the ſaid twenty Bolls and four Pecks of Oat-Meal of Teind, five Bolls and eight Pecks of Bear of Teind, and fifty four pounds ſix ſhilling and eight pennies Money foreſaid, already allocat to the ſaids Miniſters furth of the ſaids Teinds, as a part of their Stipend, Augmentation, and proviſion for Communion Elements, in manner above-expreſt. And *And likeways Giving* yearly to his Majeſty as King of *Scotland*, and to his Royal Succeſſors Kings thereof, for all and haill the ſaids Lands and Barony of *Kilmaronock*, comprehending therein the Lands and others, particulary above-written, with the Pertinents, lying in manner foreſaid, an pair of Gloves, upon the Ground of the ſaids Lands and Barony, at the Feaſt of *Whitſunday*, in name of Blenſh-Farm, if it be asked allenarly; *As alſo Giving* yearly to his Majeſty as King of *Scotland*, and to his Highneſs Succeſſors Kings thereof, for all and ſundry the Lands and others above and under-written, *viz.* the fourty ſhilling Land of *Barquhannan*, &c. (*here be more Lands, Milns, and others, but omitted* brevitatis cauſa) an Penny Money of the ſaid Kingdom of *Scotland*, upon the Ground of any part of the ſaids Lands, at the Feaſt of *Whitſunday*, in name of Blenſh-Farm, if it be asked allenarly. *And ſicklike, Giving* yearly to his Majeſty as King of *Scotland*, and to his Highneſs Succeſſors Kings thereof, for the ſaid Advocation, Donation, and Right of Patronage of the ſaid Church of *Kilmaronock*, with the Parſonage and Vicarage-Teinds, great and ſmall thereof, Fruits, Rents, Provents, Profits, and Duties whatſomever pertaining and belonging thereto; an Penny *Scots* Money upon the Ground of the ſaids Lands of *Kilmaronock*, at the Feaſt of *Whitſunday* yearly, in name of Blenſh-Farm, if it be asked allanerly, as alſo releiving his Majeſty and his Royal Succeſſors of the local and modified Stipend in uſe and wont to be payed to the Miniſter and his Succeſſors ſerving the Cure at the ſaid Kirk, or that ſhall be modified to them in any time coming. *And becauſe* the ſaid Heretable Office of Bailliary and Regality of *Glaſgow* was holden by the ſaid deceaſt *Charles* Duke of *Lennox*, and his Predeceſſors, of the Arch-Biſhop of *Glaſgow*; and his Majeſty being no ways deſirous that the ſaid Arch-Biſhop of *Glaſgow* ſhould be deprived of a Vaſſal in the ſaid Office, therefore his Majeſty (as King and as Heir foreſaid to the ſaid deceaſt *Charles* Duke of *Lennox*, or of any of his Predeceſſors) by thir Preſents, nominats and preſents the ſaid *Charles* Duke of *Lennox* and *Richmond*, to be Vaſſal to the ſaid Arch-biſhop of *Glaſgow*, requiring the ſaid Arch-biſhop of *Glaſgow* and his Succeſſors in the ſaid Office, to enter and receive the ſaid *Charles* Duke of *Lennox* and *Richmond* in Vaſſal to him, in the ſaid Heretable-Office of Bailliary and Juſticiary, to be holden of

the ſaid Arch-biſhop and his Succeſſors, the ſame way, and ſicklike, and als freely in all reſpects, as the ſaid deceaſt *Charles* Duke of *Lennox*, or any of his Predeceſſors, who died laſt veſt and ſeaſed in the ſaid Office, held, or might have holden the ſame; and his Majeſty hereby gives power and warrand to the Commiſſioners of his Highneſs Theſaury and Exchequer (if need be) to grant and expede particular Gifts and Preſentations of the ſaid Office in due form, in favours of the ſaid *Charles* Duke of *Lennox* and *Richmond*, under his Highneſs Quarter-Seal; and promiſes *in verbo principis*, to ratifie and approve thir preſents, and all to follow thereupon, in his Highneſs next Parliament, excepting nevertheleſs and reſerving the Donation of the Office of great Admiral of the Kingdom of *Scotland*, and of the Iſles belonging thereto, granted by his Majeſty to his moſt dear and only Brother *James* Duke of *Albany* and *York*, of the ſaid Office, during all the days of his lifetime; as alſo excepting and reſerving the Liferent-Gift and Donation granted by his Majeſty to *Frances* Dutches of *Lennox* and *Richmond*, of the Rents and Caſualities of the ſaid Eſtate, during all the days of her Lifetime. *And in like manner*, the Gift and Donation granted by his Majeſty of the ſaid Office of Bailliary and Regality of *Glaſgow*, to *William* Duke of *Hamilton* during his Lifetime; and Gift of Chamberlain granted by his Majeſty to the Duke of *Monmouth*, during his Lifetime. *And* that the ſaid Charter be extended in moſt ample form, with all Clauſes needful, and contain a Precept of Seaſin in favours of the ſaid *Charles* Duke of *Lennox*, and that Precepts be orderly direct thereupon, in form as effeirs. *Given at his Majeſties Court at* Windſor-Caſtle, *the* 20 *day of* Auguſt 1680; *and of his Majeſties Reign the* 32 *year.* The Precept upon this Signature was Signet the 29 of *April* 1681 *gratis.*

Nota, *Here ye may ſee (as has been formerly obſerved) that when a Prince and Stewart of* Scotland *does not at the time exiſt, that the King not only as King, but alſo as Prince and Stewart, grants Signatures, whereupon Charter under the Great Seal follows, as well of the Lands and others holden of the Prince and Stewart as of himſelf as King, the Right of the Superiority of what holden of the Prince and Stewart (during the not Exiſtency) being ſtated in the Kings perſon.* 2. *The Reaſon why I am ſo full in the Deduction of the Dukedom, Earldom, Lordſhips, Baronies, Teiths, Offices, and others (albeit ſeveral Lands and others comprehended in all or either of them be omitted as extraneous to my deſign, only for Stile) is that all concerned may underſtand what holds of the King as Prince and Stewart for the time, and the Nature of the reſpective Holdings, and reſpective Reddendoes to the King as King, and to the King as Prince and Stewart of* Scotland. 3. *By the cloſe and period of the Signature, that all may know that as the King ſucceeded to the deceaſt Duke of* Lenox, *in all his Eſtate, whether holden of the King himſelf, or of the King as Prince and Stewart for the time, ſo the King could not as Prince and Stewart, hold of the Arch-Biſhop of* Glaſgow, *or take any* Clare Conſtat *from him, it being below (yea inconſiſtant with)* Soveraignity *to hold of any Subject, and the Suppliment of the Law, in that caſe provided, (ſince Property muſt be conveyed) is to go by Gift and Preſentation, in favours of another perſon, as all of that Nature (by Law, and according to the conſtant and inviolable Stile of this Realm) moſt and ſhould go in point of Tranſmiſſion, and albeit this Preſentation be inſert in this Signature, and ſo paſt the whole Seals, yet all theſe Preſentations (as they occur) paſs under the King's Royal Hand, and in Exchequer by a particular Signature paſſing the Quarter-Seal only: And therefore this Signature, as it bears and contains a Preſentation, ſo it Ordains*

Pre-

Presentations a part to be exped in due form, if need were, and no doubt was done. 4. As this Gift is granted to the Duke of Lennox and Richmond, and to the Heirs-Male of his Body, so failzeing of him without Heirs-male, the Estate reverts and returns to the King and his Royal Successors, which clearly makes them Heirs of Tailzie, albeit they could not by Propinquity of Blood succeed otherways. 5. As to that part of the Estate holding of the King himself (and not as Prince and Stewart) as his Majesty succeeded thereto as Heir-male, and by Blood, so by the ancient Laws and Custom there was no necessity of being infeft, having once Right Jure Coronæ to the Superiority, and a Consolidation of the Property with the Superiority, made the Right entire, as when originally in the Kings person, and before the Estate was given off (in Vassalage) to be holden of the Crown, and even so it fell out, when a Subject gave out Lands Patrimonially, or otherways to any of his Children, or disponed Lands to another person holden of himself, if Jure sanguinis he afterwards fell to succeed as Heir to them, and being served Heir, whereby the Dominium utile or Property was consolidat cum Dominio recto, or Superiority wherein he is already infeft, he needed not be infeft of new in the Property, but the Consolidation aforesaid, and retouring of the special Service conjoyned and redintegrat all, and made a solid and plenary Right, and yet the Lords of Session in the year 1664, or thereby demurring upon the Point, because there was no Vestige by Seasin of any such Consolidation, judge it necessary a Superior in that case should grant a Clare-Constat to himself, and that the Seasin thereupon should be registrat as all other Seasins, and what the Lords judge a Security to the Subjects is to be followed, and yet some take the old Method. But 6. A Question and Doubt may arise in the case immediatly above-written, when a Subject and Superior succeeds to a Vassal, viz. The Superior is not infeft in the Superiority, and probably cannot safely represent his Predecessor (because of Debt) in which case it is clear there can be no Consolidation, and yet as to the Estate belonging to the Vassal (being opulent at will) may freely enter thereto, and upon the matter, how shall this be done? I answer, that if the Superior may represent his Predecessor, he must first Serve, Retoure, and be infeft as Heir in the Estate, at least in the said Superiority of the Lands (to which he may succeed by the death of the Vassal) and then may be Served and Retoured Heir in special to the Vassal, and in which Service the Property will be consolidat with the Superiority ut supra; But in the other case where he cannot represent his Predecessor in the Superiority, he must Serve and Retour Heir in special to the Vassal in common Form, and obtain a Clare-Constat from the most effectual Appryser or Adjudger of the Superiority, or (if there be none such) a Creditor may charge the Gentleman to enter Heir for a Debt of the Predecessors who died last vest and seased in the Superiority, and being pursued therefore (ex hoc Titulo lawfully charged to enter Heir) he may Renounce, whereupon Decreets cognitionis causa, and Adjudication will follow in course, and the Adjudger being thereupon Infeft by the Predecessors and Debitors Superior (and by which the Right of Superiority is established in the Adjudgers person) he may thereafter enter the Gentleman in the Estate to which he succeeds as Heir to the Vassal ut supra. And 7. That you may see how rational Consolidations in Services are in the case of Succession by a Superior to a Vassal, (who at the best, has but a subaltern Right) it is obvious, that when a Superior (whether it be the King, or other Superior, or (of a Subject) that acquires Lands holden of himself, from his Vassal, all the Right proper to be had or given, is a Disposition from the Vassal to the Superior of the Lands, with a Pro-

Procuratrie of Reſignation ad remanentiam, *whereby they are reſigned in the Superiors hands, to the effect the Property may be conſolidat with the Superiority in the Superior, and his Heirs and Succeſſors their perſons, and to remain and abide with them as their own proper Lands and Heretage in all time coming, inſeparably,* & ad perpetuam remanentiam.

Nota, *This was the Ancient Cuſtom, but the King and the Eſtates of Parliament having found, that theſe were but latent Deeds, and might be ſuppreſt, to the prejudice of lawful Creditors, they moſt wiſely Ordained by an expreſs Act of Parliament, that all Inſtruments of Reſignation* ad remanentiam *ſhall be Regiſtrat (as that of Seaſins) but more of this in the laſt part of the Stiles, treating upon Services.*

SIGNATURE of a Burgh of Barony of new erected, with Port, Haven, Harbour, and other Priviledges, Toels and Immunities.

OUR SOVERAIGN LORD Underſtanding, that the Town and Lands of *R.* pertaining heretably to his Majeſties truſty Couſin *A. L. F.* of P. lying within the Parochin of P, and Sheriffdom of *A.* is ſituat upon the *Eaſt-part* of the ſaid Sheriffdom, and that the ſame has a Port, and commodious Place and Station upon the *North* part adjacent to the ſaid Town and Lands diſtant from any Burgh Royal, by the ſpace of — Miles diſtance at leaſt, and therefore may be commodious and profitable for being a Burgh of Barony, and ſo near the ſaid Port lately erected: And moreover, that his Majeſties Ships, and other Ships frequenting and reſorting to that Shore, may be accommodat and ſupplyed in all Neceſſaries that the ſaid Kingdom of *Scotland* produces, and that his Majeſties Subjects, and others coming and reſorting within the ſaids Bounds, ſhall be plentifully accommodat in Quarters, Lodging, or otherways; and that the Inhabitants of the ſaid Town or Village ſhould be incouraged, by Erection thereof in a free Burgh of Barony, and the Port of the ſamen in a free Sea-port; *Therefore* (and for Intereſt of Policy, Trade and Commerce, and for ſeveral other good Cauſes and Conſiderations moving his Majeſty hereunto) his Majeſty with the ſpecial Advice and Conſent of (*here inſert the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) Ordains a Charter to be made, and paſt under his Highneſs Great-Seal of the ſaid ancient Kingdom (In due and competent Form (bearing the Narrative aforeſaid *and then ſay*) Making, Erecting, Conſtituting and Creating; Likeas, his Majeſty of his Highneſs certain knowledge, proper Motive, Power, Authority, and Prerogative Royal, by thir preſents, Makes, Erects, Conſtitutes and Creats the ſaid Town and Lands of *R.* with the Houſes, Biggings, Yards, Tenements, Veſtiges, Tofts, Crofts, Parts, Pendicles and Pertinents thereof, in a whole and free Burgh of Barony, and Port and Haven thereof in a free Sea-port or Haven now and forever in all time coming, to be called the Burgh of Barony of *R.* and Port or Haven of *R.* And in like manner, his Majeſty by thir preſents, (with Advice and Conſent foreſaid) gives and grants to his Highneſs truſty Couſin as Lord *F.* of *P.* and to the Heirs and Succeſſors of the ſaid *A. L. F.* of *P.* in his Lands, Lordſhip and Barony of *P.* full Power, Right, Liberty and Priviledge to repair the ſaid Port or Haven, and to Build, Conſtitute and Erect a free Sea port or Haven, in any other part near the ſaid Town and Lands above-ſpecified, as to them ſhall ſeem moſt expedient, for the better Accommodation of his Majeſties Subjects, and others repairing

reparing and making reſort thereto, and to make and build all Fortifications or Bulworks, and other Works neceſſary for that effect; And which Burgh of Barony, and all and ſundry Houſes, Biggings, Yards, Tenements, Veſtids Out-houſes and Edifices built and to be built, Ackres, Roods, Toſts, Croſts, and other pertinents of the ſame; And ſicklike all and haill the ſaid Haven erected or to be erected as ſaid is, with all and ſundry Priviledges, Immunities, Liberties, Caſualities, Anchorages and Duties pertaining to the ſaid Burgh of Barony, or Sea-port, or to any other Burgh of Barony and free Sea-port within the ſaid Kingdom; His Majeſty with Advice and Conſent foreſaid, by thir preſents; gives, grants and diſpones to his ſaid Highneſs truſty Couſin *A. L. F.* of *P.* and his foreſaids, with full and ſpecial Power and Priviledge to them, to Elect, Make, Creat and Conſtitute Baillies, Burgeſs, Clerks, Officers, Serjeants and other Members needful within the ſaid Burgh of Barony, for Erecting and Governing thereof, as to them ſhall ſeem good, and with full Power and Priviledge to the Burgeſſes of the ſaid Burgh in all time coming, to buy and ſell Wine, Wax and Cloath, Linen, Woolen, broad and narrow, and all other Merchandiſe, or Staple Goods, but any Obſtacle or Impedement, and to have, hold, admit and receive within the ſaid Burgh, Baxters, Fiſhers, Brewers, Fleſhers and ſellers of Fiſh, Tailors, Shoe-makers, Litſters, Maſons, Wrights, and all other Artificers neceſſary pertaining and belonging to the Liberty of a free Burgh of Barony, and to Build, have and erect within the ſaid Burgh of Barony, an Toolbooth and Mercat-Croſs, and a Weekly Mercat upon *Friday*, with two free Fairs yearly, the one thereof the firſt *Tueſday* of *July*, and the other thereof the ſecond *Tueſday* of *October* yearly, with Power and Priviledge to the ſaid *A. L. F.* of *P.* and his above-ſpecified, to take Order according to a good Conſcience, and Laws of the ſaid Kingdom, with thoſe who ſhall perturbe and moleſt the ſaids Mercats and Fairs, or any perſon or perſons coming and reſorting thereto, and to Collect, uplift, Intromet-with and Apply the Toles, Cuſtoms, and other Duties of the ſaids Mercats and free Fairs for their own proper uſes, and ſicklike with ſpecial and full Power to them to receive Reſignations of the haill Lands, Tenements, Annualrents, and others within the ſaid Burgh of Barony and Bounds thereof, and to give, grant and diſpone the ſame to any perſon or perſons in whoſe favours the ſame ſhall be reſigned, or at whoſe Inſtance the ſame ſhall be Appryſed or Adjudged, and to enter the Heirs ſucceeding therein from time to time in the ſame, and to grant to them Charters, Infeftments, Precepts of *Clare Conſtat*, Seaſins, and other Writs neceſſary within the ſaid Burgh and Bounds thereof, and to Set, Hold, begin, affix, affirm and continue Courts as oft as need beis, and to creat Clerks, Serjeants and Dempſters, and all other Members of Court neceſſary, and in the ſaids Courts, to place, imput and output at their pleaſure, Abſents to amerciat Tranſgreſſors, to puniſh according to the Laws of the ſaid Ancient Kingdom, and to uplift and receive the Unlaws, Amerciaments and Eſcheats of the ſaids Courts, and to apply the ſame for their own proper uſes, and if need bees to poynd and diſtrenzie therefore, and generally all and ſundry other things in the Premiſſes, to do, uſe and exerce, ſicklike and als fully in all Reſpects, and to all intents and purpoſes, as any other Burgeſſes of any other Burgh of Barony within the ſaid Kingdom have done or may do, with Power and Liberty to the ſaid *A.* L. *P.* and his foreſaids, to impoſe, require, receive, intromet-with, and uplift all and ſundry the ſmall Cuſtoms, Anchorages, Deck-ſilver, Ground-duties, Plankage, and all other Duties and Emoluments of the ſaid Haven or Sea-port of *R.* in all time coming, and to apply the ſame to their own proper uſe, or diſpoſe thereupon at their pleaſure, ſicklike and as freely in all reſpects as if the ſame were, or may be uplifted or exacted by any others his Majeſties Vaſſals or Subjects, Heretors and Proprietors whatſo-

ever, of any other Haven or Sea-port within the said Kingdom of *Scotland*, with Power also to Burden and Dis-burden at the said Port and Haven, all Ships, Crears and Barks, Boats, and other Vessels coming thereinto, or sailing from thence, and to Brook, Enjoy, Use and Exerce all other Priviledges, Immunities, Liberties, and to uplift all and sundry Duties and Customs above-specified, of the said Port and Haven, as freely as the Heretors of any other Port or Haven have done, or lawfully might have done at any time bygone, or may do in any time coming; And moreover his Majesty with Advice and Consent foresaid, of his Highness certain Knowledge and proper Motive, and out of his Majesties Kingly Power and Prerogative-Royal, has United, Annexed, and by thir presents, for his Highness and his Royal Successors, Unites and Annexes the said *Burgh* of Barony, free Haven and Sea-port, and others above-written, to the said *A. L. F.* of *P.* his Lands and Barony of *P.* And Wills and Grants, and for his Highness and his Royal Successors, Decerns and Ordains, that a Seasin now to be taken by the said *A. L.* of *F*, of *P.* of the said Burgh of Barony, and Sea-port of *R.* and by his Heirs and Successors above-specified, in all time coming, at the Tower, Fortalice and the Mannor-place of *P.* principal Messuage of the Barony thereof (as the place appointed for taking of Seasin) shall stand, subsist, and be a sufficient Seasin for the Burgh of Barony, Sea-port, and others above-mentioned, without any other special Seasin to be taken by him or them at any other Part or Place of the same, notwithstanding of their discontinuity, and that they ly not together, but in divers Parts and Places anent which Seasins, and all that may follow thereupon; His Majesty with Advice and Consent foresaid has dispensed, and for his Highness and his Royal Successors by thir presents dispenses for ever, To be holden, and for to hold all and haill the said Burgh of Barony, Sea-port, Haven, and others particularly and generally above-exprest to his Majesties trusty Cousin aforesaid, *A. L. F.* of *P.* and his above-specified of his Majesty and his Royal Successors, in free Blench, free Burgh of Barony, free Heretage, Sea-port or Haven for ever, by all Right, Meiths and Marches thereof, old and divided, as they ly in Length and Breadth, in Houses, Biggings, *&c.* Milns, Miln-Lands, *&c.* Halking, Hunting, Fishings, *&c.* Court, Plent, Herezald, *&c.* free Ish and Entry, *&c.* with all and sundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* Giving therefore yearly the said *A. F.* of *P.* and his foresaids to his Majesty and his Royal Successors, the Sum of Two Pennies *Scots* Money upon the Ground of any part of the Lands of the said Burgh of Barony at the Feast of *Whitsunday*, in name of Blench Farm, if it be asked allanerly, and also administrating Justice to the Inhabitants of the said Burgh of Barony, and others resorting thereto, conform to the Laws and Practique of the said Kingdom of *Scotland* for the same allanerly; And in like-manner his Majesty faithfully promises *in verbo Principis*, to Ratifie and Approve the said Charter and Precept and Seasin to follow thereupon, in his Highness next Parliament to be holden within the said Kingdom of *Scotland*, and that with Advice and Consent of his Majesties Estates of Parliament, Willing and Requiring them to Ratifie and Approve the same accordingly, and that the said Charter be extended in most ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon in Form as effeirs, *Given at, &c.*

SIGNATURE

SIGNATURE of Reſignation of the Lands of L. *to the Magiſtrats of* D. *inſert, becauſe in favours of a Community.*

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here inſert the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) Ordains a Charter to be made and paſt under his Majeſties Great Seal of the ſaid Ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Royal Succeſſors perpetually confirming; Likeas, his Majeſty with conſent foreſaid by thir preſents, gives, grants and diſpones, and for his Highneſs and his Royal Succeſſors perpetually confirms, to and in favours of —— preſent Provoſt, and —— preſent Baillies, —— preſent Dean of Gild, and —— preſent Theſaurer of the Burgh of D. for themſelves, and in name and behalf of, and as repreſenting the Council and Community of the ſaid Burgh, and their Succeſſors in place and Office, and as a part of the Pattimony and Common-good thereof. Heretably and Irredeemably, and for ever in all time coming, all and haill (*here inſert the Lands and others as in the diſpoſitive Clauſe of the Diſpoſition made to them by the Proprietar and Diſponer, and then ſay*) Whilks Lands and others above ſpecified, with the Pertinents pertained heretably of before to —— and were by him and his lawful Procurators in his Name, to that effect ſpecially conſtitut, and patent Letters contained in the Right and Diſpoſition made by him to the ſaids Provoſt, Baillies, Dean of Gild and Theſaurer of the ſaid Burgh of *D.* for themſelves, and in name and behalf of, and as repreſenting the Council and Community of the ſaid Burgh, and their Succeſſors in Place and Office as ſaid is, dated the —— day of —— laſt bypaſt, with all due Humility and condign Reverence, as becomes purely and ſimply by Staff and Baſton, as uſe is, duely and lawfully reſigned in the Hands of the ſaids (*here inſert whether Theſaurer or Lords of the Theſaurie, and then ſay*) and of the remanent Lords, and others of his Majeſties Exchequer aforeſaid, his Majeſties Commiſſioners having his Highneſs Power to receive Reſignations, and thereupon to grant new Infeftments in his Majeſties Name, as in the Hands of his Highneſs Superior thereof, at *Edinburgh* the —— day of —— in favours and for new Infeftment of the ſame, to be made and granted to the ſaid Provoſt, Baillies, Dean of Gild, and Theſaurer of the ſaid Burgh of *D.* for themſelves, and in name and behalf of, and as repreſenting the Council and Community thereof, and their Succeſſors in Place and Office, as a part of the Patrimony and Common-good of the ſaid Burgh, Heretably and Irredeemably, and for ever in all time coming, to be holden of his Majeſty and Royal Succeſſors Superiors thereof, in manner under-written, and in ſuch due and competent Form as accords, as authentick Inſtruments taken thereupon, in the hands of —— Writer to his Majeſties Signet, and Nottar publick, in themſelves more fully proport; And his Majeſty with Conſent foreſaid, Wills and Grants, and for his Highneſs and his Royal Succeſſors, Decerns and Ordains, that a Seaſin to be taken by the ſaids preſent Magiſtrats, Dean of Gild and Theſaurer for themſelves, and in name and behalf foreſaid, and as repreſenting the Council and Community of the ſaid Burgh of *D.* at the Mannor-place or principal Dwelling-houſe already built, or hereafter to be built upon the ſaids Lands of *L.* or upon the ground of any other Part or Portion of the ſaids Lands and others foreſaids themſelves, is and ſhall be as valid and ſufficient a Seaſin to them and their Succeſſors in Place and Office, and for the Council and Community of the ſaid Burgh, as if a particular Seaſin were taken by them upon ilk part and portion

of the ſaids Lands and others foreſaids, albeit the ſame be not ſo done, and without reſpect to their diſcontiguity, or any neceſſity of any other Seaſin to be taken for the future, by the ſubſequent *Magiſtrats*, Dean of Gild, Theſaurer, Council and Community of the ſaid Burgh, in reſpect the Intereſt and Subject matter is now out of the perſon of a ſingle *Man*, and Diſponed and Tranſmitted to, and divolved upon the whole Body and Community of the ſaid Burgh of *D.* and likeways without neceſſity of making uſe of any other Symbol in taking of the ſaid Seaſin than that of Earth and Stone, anent all which, and with all that may follow thereupon, or that can be any ways objected againſt the Validity of the ſaid Seaſin, or that one Seaſin is appointed to ſerve without any furder Seaſins thereafter in time coming; His Majeſty with Conſent foreſaid has diſpenſed, and for his Highneſs and his Royal Succeſſors by thir preſents diſpences for ever; *To be holden*, and for to hold all and haill the foreſaids Lands above diſponed and reſigned with the Pertinents lying as ſaid is, to the ſaid Provoſt, Baillies, Dean of Gild, and Theſaurer of the ſaid Burgh of *D.* for themſelves, and in name and behalf of, and as repreſenting the Council and Community thereof, and to their Succeſſors in place and Office, Heretably and Irredeemably of his Majeſty and his *Royal* Succeſſors lawfull Superiors thereof in Fee and Heretage, and as a part of the Patrimony and Common-good of the ſaid Burgh for ever, in all time coming, by all Rights, Meiths and Marches of the ſame, old and divded, and as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Moſſes, Muirs, *&c.* Milns, Multurs, *&c.* Woods, Fiſhings, *&c.* Halking, Hunting, Peits, Turffs, Coals, Coal-heughs, Doves, Dove-coats, Cunnings, Cunningares, *&c.* Quarrel, Lime, and Stone, *&c.* with Court, Plent, *&c.* Bloods, Blood-wits, and Amerciaments, *&c.* with all and ſundry other Liberties, *&c.* Freely, Quietly, *&c.* but Revocation, *&c.* *Giving* therefore yearly the ſaids Provoſt, Baillies, Dean of Gild, Theſaurer, Council and Community of the ſaid Burgh of *D.* and their Succeſſors in Place and Office, to his Majeſty and Royal Succeſſors Superiors above-ſpecified (*here inſert the Duties and others payable by the Diſponers Charter, under the Great Seal, and in the preciſe Terms thereof, and then ſay*) And that the ſaid Charter be extended in the moſt ſure and ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs, *Given at*

Nota, *here ſome Queſtions may ariſe (and not without ground)* viz. Primo, *What if the Lands held ſimple Ward or Taxed before the Acquiſition, then the King wants his Caſualities that uſually ariſe from the Nature of that Holding, and once entering and receiving a Community Vaſſals, cannot expect them as when in the perſon of a ſingle Man, the Right and Conveyance being not to a ſingle perſon who might have Heirs, but to a Community, which perpetuats the Right in them and their Succeſſors in Place and Office, without Intermiſſion or Nonentry, one and the firſt Entry ſerving for good and all. And* 2. *If the Lands held Feu, then it follows in conſequence, that the King is prejudged of the Beneſite of the Duplication at the Entry of Heirs, which formerly he had, while the Right ſtood in the perſon of a ſingle man, but as to theſe and like Queſtions that might ariſe in ſuch caſes, it is proper ſuch Signatures ſhould paſs the Kings Royal Hand, and not in Courſe, and in that caſe Soveraignity cannot be bounded ſo, but the King may diſpenſe therewith, by vertue of His Prorogative Royal, and of certain knowledge and proper Motive, by an expreſs Clauſe not only in the Signature, and before the* Tenendas, *but alſo by a Tutch and go in the very* Tenendas *it ſelf, and likeways in the* Reddendo, *and by ſo doing there being a Converſion of Caſualities, from a*

greater

greater to a less, and consequently a Diminution of the Patrimony of the Crown, the Infeftment on this Signature would be ratified in Parliament.

SIGNATURE *of Recognition of the Lands and Barony of* C. *and several Jurisdictions in favours of Sir* G. M. *of* T. Baronet, *and Lord Register, containing Reservations and Confirmations of several other Persons their Rights, and containing also a Dissolution and new Erection,* de Novo Damus, *&c.*

OUR SOVERAIGN LORD, with the special Advice and Consent of (*here take in the Consents according to the Constitution for the time, and then say*) *Ordains* a Charter to be made and past under his Majesties Great Seal of his Ancient Kingdom of *Scotland*, in due and competent Form, Giving, Granting and Disponing, and for his Highness and his Royal Successors perpetually confirming; Likeas, his Majesty with Consent foresaid, by thir presents, gives, grants and dispones, and for his Highness and his Royal Successors perpetually confirms to his Majesties Trustie and well beloved Councellor Sir *G. M.* of *T.* Baronet, Lord Register, and to his Heirs-Mail whatsoever, whilks failzeing to his Heirs whatsomever, and their Assigneys heretably and irredeemably, *All* and *Sundry* these Parts and Portions particularly underwritten of the Lands and Barony of *C.* viz. (*here were taken in not only the Property belonging to the said Sir* G. M. *himself, with the heretable Office of Sheriffship, Bailliarie, Patronage of the Church of* C. *and heretable Constabulary of* C. *and Fees belonging to the said heretable Offices and Teinds of the said Lands, but also the Superiorities and Feu-duties, and Reversion of some other Lands, sometime pertaining to* S. J. W. *of* C. *and* J. P. *of* C. *his Son, and adjudged and otherways evicted from them and all with and under the Reservations, Provisions and Declarations after-specified, conceived in favours of the particular persons after-mentioned, and whose Rights are likeways ratified, and declared not to be comprehended in this Signature*) Whilks Lands, Towns, Milns, Miln-Lands, Castle, Constabulary, Office of Sheriffship, Patronage, Stell-Fishings, Teinds, Superiorities, Feu-duties, Annualrents or Annuities, and others particularly and generally above-expresst, with the Pertinents lying as said is, pertained heretably of before in property & Superiority *respective* to the said S. J. and *J. W.* or any other of them, as a part and portion of the Barony of *C.* (not by them disponed to the persons after-named) holden by them of his Majesty and his most Royal Progenitors by Service of Ward and Releif, simple or tax'd, and now pertaining and belonging to his Highness, and fallen and become in his Highness Hands, and at his Gift and Disposition, by reason of Recognition, Laws and Practique of the said ancient Kingdom, and inherent priviledge of the Crown, by and through the said Sir *J.* and *J. W's* their Selling Irredeemably, Wodsetting, and giving out in Feu-farm of the haill Barony of *C* (whereof the said Lands, Milns, Miln-Lands, and others above rehearsed, are a part) and by granting of Rights of Annualrent, and Annuities, and other Heretable-Securities for Sums of Money, Releif of Cautionries, and other Prestations and Obligations, and in real Warrandice of other Lands and Estates to divers persons, at least of divers parts and portions of the said Barony, exceeding the major and greatest part thereof, and that without consent, of or confirmation from his Majesty or his Predecessors first had and obtained, or by whatsomever other way or manner the same are fallen in his Highness Hands, and at his Gift and Disposition, and which way and manner of the said Recognition and caduciary acts, are here holden as for expresst *brevitatis causa*, dispensing with the said generality for ever. *And* further, his Majesty with consent foresaid, has disunited and disjoyned, and by thir presents Disunites and Disjoynes the said Towns, Lands,

Milns, Miln-Lands, Caſtle, Tower, Fortalice, Offices of Conſtabulary and Sheriff-ſhip, Superiorities, and Patronage, Stell-Fiſhings, Ports, Havens, Harbours, Salmond-Fiſhing, and other Fiſhings, Ferry yards, Orchards, Chaplainry, Chappel-hill, and others, particularly and generally above-diſponed, with the Pertinents lying as ſaid is, from all and ſundry other Earldoms, Lordſhips, Baronies and others, to which the ſame, or any of them were formerly unite and annexed; and his Majeſty, by vertue of his Prerogative Royal, and Inherent Power and Priviledge of his Crown, and of his Majeſties certain knowledge and proper motive, has with Conſent foreſaid, of new erected, unite, annexed, creat and incorporat, and by thir preſents, unites, annexes, creats and incorporats the ſame, in an haill and free Barony, to be called now and in all time-coming, the Barony of *C.* ordaining the Caſtle, Tower, Fortalice, and Mannor-Place of *Cromarty*, to be the principal Meſſuage of the ſaid Barony, and that an Seaſin to be taken thereat, or upon the Ground of any other part of the ſaids Lands, by the ſaid Sir *G. M.* and his foreſaids, now and in all time-coming, ſhall be als valid and ſufficient a Seaſin to them for all and ſundry the ſaids Towns, Lands, Milns, Miln-Lands, Superiorities, Offices, Patronages, and others foreſaids, as if an particular Seaſin were taken by them upon ilk part and portion thereof, albeit not ſua done, and notwithſtanding the ſaids Lands and others above-written ly diſcontigue, whereanent, and with all that may follow thereupon, or that can be objected againſt the ſame, his Majeſty with conſent foreſaid, has diſpenſed, and for his Highneſs and his Succeſſors, by thir preſents, diſpenſes for ever, *to be Holden*, and for to Hold all and haill the ſaid Barony of *C.* as now erected, and comprehending in manner foreſaid, to the ſaid Sir *G. M.* and his Heirs-male, whilks failzieing as ſaid is, and their Aſſigneys, Heretably and Irredeemably of his Majeſty and his Highneſs Succeſſors, as Superiors thereof, in free Barony, Taxt-Ward, Fee and Heretage for ever, by all Rights, Meiths and Marches of the ſame, old and deviſed, as the ſame ly in length and breadth, in Houſes, Biggings, *&c.* Moſſes, Muirs, *&c.* Milns, Miln-Lands, *&c.* Hawking, Hunting, *&c.* Coals, Coal-Heughs, Doves, Dove-coats, Cunnings, Cunningares, *&c.* with Courts, *&c.* Herezalds, *&c.* Furk, Foſſe, *&c.* Pit and Gallows, *&c.* together with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giving* therefore yearly the ſaid Sir *G. M.* and his foreſaids, to his Majeſty and his Royal Succeſſors, the Duties, Rights and Services uſed and wont, but with this Proviſion and Declaration always; likeas by thir preſents, it is expreſly Provided and Declard, Decerned and Ordained, that albeit the ſaids Lands and Barony, comprehending, and now erected in manner foreſaid, ſhall at any time hereafter happen to fall in the Hands of his Majeſty, or his Royal Succeſſors as Superiors thereof, by reaſon of Ward and Non-entry, or either of them; yet nevertheleſs, and notwithſtanding thereof, it ſhall be ſtill leiſum and lawful to, and in the power of the ſaid Sir *G. M.* and his foreſaids, to poſſeſs, occupy, and labour the ſaids Lands, Barony, and others above-ſpecified, by themſelves, or their Tennents, and to intromet-with, uplift, uſe and diſpone upon the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits ad Duties thereof in all time-coming, for payment to his Majeſty and his Succeſſors, of the Sum of 100 pounds uſual Money of the ſaid Kingdom of *Scotland* yearly for the Ward, the like Sum for the Non-entry, als much for the Releif, and of the Sum of 200 pounds Money above-written for the Marriage of the Heir or Heirs, when the ſaid Ward, Non-entry, Releif and Marriage ſhall happen to fall out and occur, and that as the proportional part correſponding to the ſaids Lands, Barony, and others above-written, as now erected as ſaid is; of the Sum of 200 merks, Money foreſaid, for the Ward and Non-entry; als much for the Releif; and of the Sum of 400 merks Money above-written for the Marriage; to which Sums, the former Barony of *Cromarty*, comprehending als well divers other

Lands

Lands and others, as the other Lands and others above-ſpecified were Taxed by his Majeſties deareſt Brother *Charles* the ſecond of bleſſed memory, in favours of the ſaid S. *J. W.* and of his Heirs and Aſſigneys, conform to a Charter granted by his Majeſty thereupon, under his Highneſs Great Seal of the ſaid ancient Kingdom, dated at the day of 166 years; and which proportional part, with other proportional parts payable by *G. D.* of *St.* out of the Barony thereof, and by *A. W* of *N.* out of the Barony of *N.* and by Sir *H. M.* of *P.* out of the Lands of *B.* all parts and pertinents of the ſaid ancient Barony of *Cromarty*, as erected in the perſon of the ſaid Sir *J. W.* makes up and compleats the haill Taxt-Duty payable to his Majeſty and his Succeſſors, and to which proportional part above-mentioned, payable by the ſaid Sir *G. M.* and his foreſaids as ſaid is, his Majeſty with conſent foreſaid, by vertue of his Prerogative Royal, and of certain Knowledge, and proper Motive, (and for good and acceptable Services performed to his Majeſty and his ſaid Brother by the ſaid Sir *G. M.*) of new has Taxed, and by thir Preſents, for his Highneſs and Royal Succeſſors, Taxes the ſaid Barony of *Cromarty*, comprehending, and as now erected in manner above-written, and now as if the ſame had already fallen out and occurred, and then as now, gives, grants and diſpones to them the ſaid Ward, Non-entry, Releif and Marriage, and all Benefit, and all and ſundry Caſualities thereof, in all time-coming, whenſoever the ſame ſhall happen to fall out and occur, for payment of the proportional part of the Taxt-duties above-expreſt, *Inhibiting* and *Diſcharging*, hereby his Majeſties Lord high Theſaurer, Lord Theſaurer-Deput, his Highneſs Advocat, Solicitor, Collectors and Under-Receivers, and their Succeſſors in Place and Office, and all others his Majeſties Miniſters, from all charging, purſuing, troubling and moleſting the ſaid Sir *G. M.* and his foreſaids, in any time-coming, for, and by reaſon of the ſaid Ward, Non-entry, Releif and Marriage, or either of them, except allanerly for the ſaid proportional part of the Taxt-Ward-Duty above-mentioned. *And* his Majeſty with conſent foreſaid, hereby gives full Power & Commiſſion to the ſaid Sir *G. M.* his Heirs, Aſſigneys and Succeſſors, in the Rights of the ſaids Lands, Barony, and others foreſaids, to raiſe and take out Breives furth of his Highneſs and his Succeſſors their Chancellary, and to obtain themſelves duely and lawfully ſerved, retoured, infeft and ſaſed, as Heirs in ſpecial to their Predeceſſors therein, notwithſtanding of the nature of the Holding, and that they be Minors for the time, and without neceſſity of obtaining any other Warrand or Diſpenſation for that effect; whereanent, and with the Inqueſt, Judge, Members of Court, and giver of the Seaſin, and all that may follow thereupon; his Majeſty with conſent foreſaid, has Diſpenſed, and for his Highneſs and his Royal Succeſſors, by thir Preſents, Diſpenſes for ever, and admits and declares the ſame to be als valid and ſufficient, and of als great force, ſtrength and effect, to all intents and purpoſes, as if the ſame were done and expede after their full and perfect Age of 21 years compleat, albeit not ſo done, whereanent alſo diſpenſes for ever: *As alſo*, his Majeſty with conſent foreſaid, hereby revocks, reclaims, recals and annihilats all former Donations of Recognition granted by his Highneſs deareſt and right-well-beloved Brother, to any other perſon or perſons whatſoever, either of the ſaids Lands, Barony, and others above-written, not expede the Great Seal of the ſaid ancient Kingdom, and not perfected by Regiſtrat Seaſin; and Wills and Declares the ſame to be void, and of no force, ſtrength or effect in all time-coming, as if the ſame had never been granted: *And* in like manner, his Majeſty with conſent foreſaid, hereby ratifies, confirms and approves, all Rights and Securities, of whatſomever nature and quality, date, tenor, or contents the ſame be of, made and granted by whatſomever perſon or perſons, to the ſaid Sir *J. W.* his Heirs and Succeſſors, of and upon the ſaids Lands, Barony, and others above-written, or any part thereof, in the haill Heads, Ar-

ticles and Clauſes thereof, and Gifts, Writs and Evidents, with the haill Summonds, Acts, Interloquitors, Commiſſions, Reports, and others whatſomever, led, acted and done in the ſaid Recognition, at the inſtance of his Majeſties Advocat for his Highneſs Intereſt, with all that has followed or might follow thereupon; and Aſſigns, Transfers and Diſpones the ſame in favours of the ſaid Sir *G. M.* and his foreſaids; *With full Power* to them, in the final end and deciſion thereof, to proſecute and follow furth the ſame, and his Majeſty ordains his Highneſs Advocat to proſecute the ſaid Recognition, for the uſe and behove of the ſaid Donator, and his foreſaids, and to concur therein, and for which thir Preſents ſhall be to him a Warrant; and his Majeſty by thir Preſents, with conſent foreſaid, Wills and Declares, that this preſent Right, is, and ſhall be but prejudice to the ſaid Sir *G. M.* and his foreſaids, of any other Right, by Appryſing, Adjudication, Rights of Annualrent, Infeftments for ſecurity of Money, and other Rights whatſomever, which now they have, or hereafter ſhall happen to acquire of and concerning the ſaids Lands, Barony, and others above-written; and that the ſaids other Rights are and ſhall be but prejudice to them of thir Preſents, and Infeftments to follow thereupon; and that it ſhall be ſtill leiſum and lawful to them, and in their Power, to bruik and enjoy the ſaids Lands, Barony, and others foreſaids, and to aſcribe their Poſſeſſion and Intromiſſion to all or either of the ſaids Rights, conjunctly and ſeverally, as accumulative or diſtinct Rights, and that but any innovation or confuſion of Rights: And farder, his Majeſty with conſent foreſaid, by thir Preſents declares, that no part of the ſaid Sir *J. W.* and of his ſaid Son their Eſtates, diſponed to the ſaid *A. W.* of *N.* Mr. *T.* and *W. W.* and *G. D.* of *S.* and *H. D.* Commiſſar-Clerk of *R.* his Brother-German, or yet the Quarter of *D.* with the Pertinents, with other Lands Wodſet to *W. G.* of *A.* and acquired by the ſaid *G. D.* from *J. G.* his Son, are comprehended in thir Preſents, and Donation of Recognition, but all (together with the ſaid *G. D.* and *A. W.* their Heretable Deputations of Sheriffſhip, and other Priviledges granted to them within their own proper Lands & Eſtates in the ſaid Sheriffdom of *C.*) excepted, and wholly and altogether reſerved to the ſaids Perſons themſelves, and others having Right from them out of and from this preſent Donation, and in whoſe favours and their Heirs and Succeſſors, his Majeſty with conſent foreſaid, (and of certain Knowledge, and proper Motive,) by thir Preſents, Ratifies and Confirms their reſpective Rights and Infeftments thereof, and Diſpenſes with all Nullities and Imperfections (if any be) therein, for ever. And laſtly, his Majeſty faithfully Promiſes, *in verbo principis*, to ratifie and approve the ſaid Charter, in the next enſuing Parliament; requiring his Highneſs Eſtates of Parliament, to ratifie the ſamine accordingly: And that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful; and that Precepts be orderly direct hereupon, in form as effeirs. *Given at his Majeſties Court at* Whitehall, *the twenty eight day of* March; *and of his Highneſs Reign the firſt year* 1685.

Nota, *This was expede the Seals, and Seaſin thereon Taken and Regiſtrat.*

SIGNATURE

SIGNATURE *narrating a former Charter granted by* K. Charles *the* 2*d. under the Great* Seal, *to the perſons afternamed, of the Lands and Barony of* T. *and others both Property and Superiority, belonging to* G. W. *of* T. *and* J. M. *of* T. *his Son in their own favours, containing (for eminent Services) an Erection thereof in a Regality, Bailliary and Juſticiary with a Burgh of Regality, free Chappel and Chancellary, power of Replegiation from all other Juriſdictions, ſuch as Sheriffs, Juſtice-General, &c. to their own Courts, power of Eſcheats, creating Burgeſſes, and to a great extent in puniſhing, and the ſeveral Kinds, with many more fit Clauſes.*

OUR SOVERAIGN LORD with the ſpecial Advice and Conſent of (*here inſert the Conſents of the Exchequer for the time being, but then in a Theſaury, and then ſay,* Ordains a Charter to be made and paſt under his Majeſties Great Seal of the ſaid Ancient Kingdom, in due and competent Form: *Making* mention, that his Majeſty conſidering and ſeriouſly perpending, that the late King *Charles* the ſecond of bleſſed Memory, by his Charter of the date at *Whitehal* the 30 day of *September* 1678, exped under the Great Seal, and with Conſent of the *Lords* of his Highneſs Theſaury and Exchequer for the time, gave, granted, diſponed, and for him and his Succeſſors perpetually confirmed, to his Majeſties well beloved *G.* now Viſcount of *T.* Lord *M.* and *C.* Clerk to his Highneſs Councils, Regiſters and Rolls (therein deſigned *S. G. M.* of *T.* Knight and Baronet) in Liferent, and to *J.* now *M.* of *T.* his eldeſt lawful Son, and to his Heirs-male lawfully to be procreat of his Body in Fee; Whilks failzeing, to *K. M.* his ſecond lawful Son and to the Heirs-male lawfully to be procreat of his Body, Whilks failzeing, to *J. M.* his third lawful Son, and to the Heirs-male of his Body, Whilks failzeing to any other Heirs-male lawfully to be procreat of the ſaid *G. V.* of *T.* his Body, whilks failzeing, to any other perſon or perſons to be deſtinat and nominat by the ſaid *V.* any time during his Lifetime, even on Death-bed, by whatſoever Writ or Schedul a part under his hand (and which Write is Declared by the ſaid Charter to be as good and Fundamental Right and Title to the ſaids Heirs of Tailzie, ſo to be Deſtinat and Appointed as ſaid is ſucceeding Heirs of Tailzie in ſpecial, in the Lands and Eſtate after-mentioned, and to be Infeft thereupon as if they were expreſt by Name and Sirname therein) with and under the Conditions, Proviſions, Limitations and Reſtrictions therein-contained, and all here holden as for expreſt *brevitatis cauſa*; Whilks failzeing, to the ſaid *G. V.* of *T.* his other Heirs-male whatſoever: Whilks all failzeing, to his Heirs and Aſſigneys whatſoever, Heretably and Irredeemably, and with and under the other Conditions, Proviſions, Limitations and Reſtrictions *reſpective*, alſo therein rehearſed, All and haill, and all & ſundry the Lands, Baronies, Caſtles, Towers, Fortalices, Milns, Woods, Fiſhings, Teinds and others *reſpective*, particularly under-written with the pertinents. *viz.* (*here all the Lands, Baronies, and many diſtinct Lands, as well Temporal as Eccleſiaſtick, heretable Offices of Bailliary, Burgh of Baronie, Weekly-mercats, Yearly-fairs, Patronages, Teinds and others were inſert, and then followed*) And moreover, all the ſaids Lands, Baronies, Patronages of Kirks and Chaplanries, Milns, Woods, Fiſhings, Teinds and others particularly above-written, with the Pertinents, were erected and Incorporat by his ſaid late Majeſty, in a haill and free Barony to be called then and thereafter in all time coming the Barony of *T.* and Ordained the Mannor-place of *T.* to be the principal Meſſuage of the ſaid Barony, and that a Seaſin to be taken thereat or upon the Ground of any other

part of the ſaid Barony, by the ſaid *G. V.* of *T.* and his ſaid Son and his foreſaids, then and in all time thereafter, to be ſufficient for the haill, to be holden of the ſaid late King and his Succeſſors in manner, and for payment of the reſpective and particular Duties therein-expreſt, and according to the which Charter and Precept of Seaſin therein-contained, the ſaid *G. V.* of *T.* and his ſaid eldeſt Son, were infeft in the ſaids Lands and Barony, as then and now erected, and comprehending in manner above-written: *And farder*, Our Soveraign Lord calling to mind, the great obſequious and moſt acceptable Services done and performed by the ſaid *G. V.* of *T.* to the ſaid late King, as well as one of the Lords of Seſſion ordinary, thereafter as Lord Juſtice-General of his Highneſs ancient Kingdom of *Scotland* aforeſaid, as Lord Regiſter, and moreover done and performed to his Majeſty himſelf thereafter, and in effect in all Parliaments, Convention of Eſtates, and all other Capacities, Stations and Places, in which he had occaſion, in evidence of his Fidelity, and his conſtant and obſequious adherence to his Majeſty, and to promote his Dignity and Intereſt; And his Majeſty being deſireous and willing, out of his Highneſs Benignity and Goodneſs, to confer a farder Teſtimony of his Royal Bounty upon the ſaid *G. V.* of *T.* and the ſaid *J. M.* of *T.* his Son, and their Poſterity, and to prompt and animat them to perſevere and continue in the like dutiful Services for the future; *Therefore* his Majeſty with conſent foreſaid, has not only Ratified and Approven, and for his Highneſs and his Succeſſors perpetually Confirmed: Likeas, his Majeſty by thir preſents with conſent above-written, Ratifies, Approves, and for his Highneſs and his Succeſſors perpetually confirms to the ſaid *G. V.* of *T.* and to the ſaid *J. M* of *T.* his Son, and their foreſaids in Liferent and Fee reſpective, the ſaid Charter, Precept of Seaſin therein-contained, and Inſtrument of Seaſin following thereupon, in the haill Heads, Articles and Clauſes thereof, admitting the generality foreſaid of the ſaid Confirmation, to be as valid and ſufficient, and of as great Force, Strength and effect, to all Intents and purpoſes, as if the ſame were *de verbo in verbum* herein inſert, albeit not ſo done, whereanent his Majeſty diſpenſes for ever: And in likemanner, his Majeſty of his Kingly Power, certain Knowledge and proper Motive, and by vertue of his prerogative Royal, with conſent above-written, for the Cauſes and upon the Conſiderations above-ſpecified, and that they may be the more ſtrengthned to procure Obedience to his Majeſties Laws, and preſerve Peace within the haill Limits and Bounds of the ſaids Lands, Baronies and others foreſaids, and adminiſtrat Juſtice therein; has United, Erected, Annexed, Created and Incorporated; Likeas, his Majeſty with conſent foreſaid, by thir preſents, Units, Erects, Annexes, Creats and Incorporats the ſaid Baronie of *T.* as the ſame was of late erected by the ſaid Charter, and containing and comprehending all and haill the ſeveral other Lands, Baronies, Milns, Miln-Lands, Multures and Sequels thereof, Teinds, Parſonages and Vicarages, Offices of Bailliary Guards or Offices of Satellites, Major or otherlike Officers, Woods, Fiſhings, Forreſtries, Burgh of Barony, Weekly-Mercats, yearly-fairs, Advocations, Donations and Rights of Patronages of the ſaids Kirks and Chaplanries, and others particularly and generally above-ſpecified, with the Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Annexes, Connexes, Dependencies, Tennents, Tennedries, Services of free Tennents, Parts, Pendicles and Pertinents thereof, in a haill and free Regality to be called now and in all time coming the Regality of *T.* And Ordains and Appoints the ſaid Burgh of Barony of *T.* to be now and in all time coming, the principal Burgh of the ſaid Regality, for all and ſundry the ſaids Lands, Baronies, Milns, Miln-lands, heretable Offices, Woods, Fiſhings, Patronages, Teinds, Caſtles, Towers, Fortalices, Mannor-Places, Houſes, Biggings, Yards, Orchards, Out-ſets, In-ſets, Annexes, Connexes, Dependencies, Tennents, Tenendries

Tenendries, Services of free Tennents, Parts, Pendicles, and Pertinents thereof whatſoever, and others particularly and generally above-mentioned, with full Power, Liberty, Priviledge and Juriſdiction to the ſaid *G. V.* of *T.* during his Lifetime, and likeways to the ſaid *J. M.* of T. his eldeſt lawful Son, and to the Heirs-male of his Body; Whilks failzeing, to other the perſons and Heirs male and of Tailzie above-ſpecified, and to their Succeſſors and Aſſigneys of a free Regality, heretable-Office of Bailiarie and Juſticiary within the haill Bounds and Limits of all and haill the ſaids Lands and Barony of T. (as of late erected) and comprehending the ſeveral other Towns, Lands, Baronies, Milns, Miln-Lands, Woods, Fiſhings, Forreſtries, Patronages, Teinds Parſonages, and Vicarages, Burgh of Barony, heretable Offices, and others particularly and generally above-expreſt, and of free Chappel and Chancellary within the ſame, for Raiſing, Emiting, Proclaiming, ſerving and retowring of Breives, with Power alſo to them to build, have and keep within the ſaid Burgh of Regality, called the Burgh of Barony and Regality of T. as ſaid is, ane Tolbooth, and publick Weigh-houſe and Mercat-Croſs, (at which all Denunciations and Executions of his Majeſties Letters, Breives, Acts, Proclamations and Edicts, (which by the Laws of his ſaid Majeſties Ancient Kingdom, are Ordained and Appointed to be expede, execute, publiſhed and Proclaimed at the Mercat-croſs of the Head-burgh of Regalities) are to be uſed proclaimed, promulgat, execute, Denunced, Retoured, and publiſhed in all time-coming, and that in all Executions and Diligences pertaining to the ſeveral Inhabitants of the ſaid Regality of the Lands, Baronies, and others above-written lying within the ſame, and belonging to the haill Lands, Baronies and others foreſaids, and moveable Goods within the haill bounds of the ſame; Together with Power to the ſaid *G. V.* of *T.* during his lifetime, and to the ſaid *J. M.* of *T.* and to the Heirs-male of his Body, Whilks failzeing to the other Heirs-male and of Tailzie above-mentioned by themſelves and Deputs (to be Nominat and Appointed by them) To Nominat, Creat, Conſtitut and Ordain Baillies and Deputs, Clerks, Majors, Officers, Dempſters and other Members of Court neceſſary for Adminiſtration of Juſtice within the haill Bounds of the ſaid Barony and Regality of *T.* comprehending in manner foreſaid, (and for whom they ſhall be anſwerable,) and with Power alſo to them by themſelves, and Deputs, to be nominated and appointed by them, to hold and affix Courts of Regality within the ſaid Burgh of *T.* (now alſo Head-Burgh of the ſaid Regality,) or upon any other part or place within the ſaid Regality, and the ſaids Courts als oft and how oft as need beis, to continue, and to adminiſtrat Juſtice within the ſaid Regality, and haill Bounds thereof, to all perſons complaining and having Intereſt, Malefactors and Tranſgreſſors of Laws, to apprehend, examine, proſecute and incarcerat, and to bring them to the knowledge of an Aſſiſe, for Crimes of whatſomever nature or quality, competent to be judged by his Majeſties Laws of the ſaid ancient Kingdom, and that by hanging up, beheading, whipping, dipping or drowning in Water, diſmembration, fineing, impriſonment, baniſhment, or extermination out of the ſaid Regality, or by eſcheat of Movable-Goods, or by any other puniſhment or manner thereof uſed and wont, and by the Laws and Practique of the ſaid Kingdom allowable, and to collect, receive and exact the Eſcheats, Fines and Amerciaments of the ſaids Courts; as alſo, the Tolls, Cuſtoms, Profits, Fees and Emoluments of the ſaid Tolbooth, Mercat-croſs and Weigh-houſe, and the ſame for their own proper uſes to apply; and in like-manner, with Power to them and their foreſaids, continually in all time-coming, to repledge all the Inhabitants within the Bounds of the ſaid Regality, from all and ſundry Courts and Judges before which they ſhall happen to be called, conveened and purſued, to the Priviledge and Juriſdiction of the ſaid Regality of *T.* in which Courts

they are to be judged, and for that effect to find Caution of Culriach for Adminiſtration of Juſtice to the Parties complaining within Term of Law. And farder, his Majeſty with conſent foreſaid, exeems and liberats always and continually in all time-coming, the Tennents and Inhabitants of the ſaid Barony and Regality of *T.* comprehending in manner above-written, from all Judgments and Juriſdictions of all Sheriffs, Juſtice-General, and of their Deputs, and of the Commiſſioners of his Highneſs Juſticiary, and from all other Judges within the ſaid ancient Kingdom, alswell in Criminals as civil Actions, ſicklike and als freely in all reſpects as any other Tennents and Inhabitants of whatſomever other Regality within the ſaid Kingdom have been formerly, are, or ſhall be exempted, and to gift, diſpone, uplift, receive and exact all and ſundry Eſcheats, of all and ſundry the Tennents and other Inhabitants within the ſaid Regality, alſwell ſingle as Liferent, with the haill other Caſualities, that thereanent, or otherways within the ſame, or any part thereof, ſhall happen to fall out and occur, and to apply the ſame to their own proper uſes: And in likemanner, with full and moſt ample Power of having, admitting and receiving within the ſaid Burgh of Regality, free Burgeſſes, Artificers and Mechanicks; with Power alſo to the ſaid free Burgeſſes, to Pack and Peill within the ſaid ancient Kingdom, and to Buy and Sell, Wine, Wax, Linnen, Plaiding, and Cloath, broad and narrow, and all other Goods and Merchandize, and to hold and keep within the ſaid Burgh of Regality, Fiſhers, Fleſhers, Brewers, Salters and Packers of Fiſh, Tailors, Shoemakers, Litſters, Walkers, Wrights, Maſons, Maltmen, Smiths, Sadlers, Painters, Slaters, Webſters, Carpenters or Ship-Wrights, Glaſiers, and all other Artificers and Mechanicks whatſomever, and to hold and keep within the ſaid Burgh of Regality, the ſaids Weekly Markets, and Yearly-Fairs, to which by the ſaid Act of Parliament and Charter under the Great Seal they have Right; and with all and ſundry other Liberties, Priviledges, Immunities, Profits, Commodities, Duties and Caſualities whatſomever, als well not named as named, pertaining and belonging, or that by the Laws and Practique of the ſaid ancient Kingdom, are or ſhall be known to pertain and belong to any other free Regality, Heretable-Office of Bailliary and Juſticiary, or free Chappel or Chancellary within the ſaid ancient Kingdom of *Scotland*, any time bygone or to come. And ſicklike, his Majeſty with conſent foreſaid, has United, Annexed, Great and Incorporat, and by thir Preſents, for his Highneſs and his Succeſſors, Unites, Annexes, Creats and Incorporats the ſaid Heretable-Office of Regality, and Burgh of Regality abovewritten, and haill Priviledges thereof above-ſpecified to the ſaid Barony of *T.* comprehending in manner foreſaid, for ever, in all time-coming; and Wills, Decerns and Ordains, that an Seaſin to be taken by the ſaid *G. V.* of *T.* and his ſaid eldeſt Son, and their foreſaids, now and in all time-coming, at the ſaid Mannor-Place of *T.* or upon the Ground of any other part of the ſaid Barony, is and ſhall be als valid a Seaſin to them, not only for the ſaid Barony it ſelf, comprehending as ſaid is, but alſo for the ſaid Regality, Burgh of Regality, Juriſdictions, Priviledges, Emoluments, Profits and Caſualities thereof (now erected and incorporat with the ſaid Barony, as above-expreſt,) as if a particular Seaſin were taken by them upon ilk part and portion of the ſaid Barony, Burgh of Barony and Regality, (albeit not ſo done,) whereanent, and with all that may follow thereupon, or that can be any ways objected againſt the validity thereof, and with the diſcontiguity of the ſame, his Majeſty with conſent foreſaid, has diſpenſed, and for his Highneſs and his Succeſſors, by thir preſents, diſpenſes for ever; and farder, Admits and Declares, Wills, Decerns and Ordains, the ſaid Erection of the ſaid Regality and Burgh of Regality, the way and manner above-written, to be als valid and ſufficient, and of als great force, ſtrength and effect for all intents and purpoſes, to the ſaid *G. V.*

of

of *T.* and his ſaid eldeſt Son and their foreſaids, now and in all time-coming, as if they had reſigned the ſaid Barony of *T.* in his Majeſties Hands, and had obtained a Charter under his Highneſs Great Seal of the ſaid ancient Kingdom expede thereupon, containing and including the ſaid Regality, Burgh of Regality, and Priviledges, Liberties, Immunities, Profits and Duties above-mentioned belonging thereto, and they accordingly Infeft in the haill Barony, Regality, Burgh of Regality, and others foreſaids (albeit not ſo done,) whereanent, and with all that may follow thereupon, or that may be objected againſt the validity of the ſame, his Majeſty (with conſent above-written) has diſpenſed, and by thir Preſents, for him and his Royal Succeſſors, likeways diſpenſes for ever, *to be Holden*, and for to Hold the ſaid Regality, Bailliary, Juſticiary, Burgh of Regality, Priviledges, Immunities, Profits and Caſualities thereof above-mentioned, to the ſaid *G. V.* of *T.* his ſaid Son, and their foreſaids, Heretably in all time-coming of his Majeſty and his Highneſs Succeſſors, in free Regality, Bailliary, Juſticiary, free Burgh of Regality, free Chappel and Chancellary, Fee and Heretage for ever, with all Priviledges, Immunities, Profits and Caſualities above-ſpecified, or any other manner of way belonging, or whilks ſhall be known to pertain and belong to any other Regality, Bailliary, Juſticiary, or Burgh of Regality within the ſaid Kingdom, by the Laws and Practique thereof, at any time bygone or to come, freely, quietly, *&c.* but Revocation, *&c.* *Giving* yearly the ſaid *G. V.* of *T.* his ſaid eldeſt Son, and their foreſaids, to his Majeſty and his Royal Succeſſors, for the ſaid Burgh of Regality, and Heretable-Offices of Regality, Bailliary and Juſticiary, an Penny *Scots* Money at the Feaſt of *Whitſunday*, in name of Blench-Farm, if it be asked allanerly, and adminiſtrating Juſtice to his Majeſties Subjects in due time, for all other burden, exaction, queſtion, demand, or ſecular Service, whilks may be hereafter any ways asked or required furth thereof, and but prejudice to his Majeſty and his Succeſſors of all other Feu-duties, Tax-duties, and other Duties due and payable to his Majeſty as Superior, out of the ſaid Barony of *T.* comprehending in manner-foreſaid, and contained in the ſaid *G. V.* of *T.* and *J. M.* of *T.* their Charter aforeſaid under the Great Seal, at any time before the granting of thir Preſents: And it is hereby declared, that thir Preſents ſhall not prejudge the Biſhop of *Roſs* and his Succeſſors in the ſaid Biſhoprick, as to any Superiority and Juriſdiction they have of any of the ſaids Lands holden of them. And laſtly, his Majeſty faithfully Promiſes, *in verbo principis*, to ratifie the ſaid Charter, with the Inſtrument of Seaſin to follow thereupon, in the haill Heads, Articles and Clauſes thereof, in this or ſubſequent Seſſions of Parliament of the ſaid ancient Kingdom; Requiring his Highneſs Eſtates of Parliament to ratifie the ſame accordingly; and that the ſaid Charter be extended in moſt ample form, with all Clauſes needful; and that Precepts be orderly direct hereupon, in form as effeirs. *Given at*

SIGNATURE of the Lands and Barony of F. *and ſeveral other Lands, Lordſhips, Baronies, Tennendries, Tenements, Ports, Harbours, Provoſtries, Prebendries, Teinds, Parſonage and Vicarage, Annuities of the ſaids Teinds, Offices of Bailliary, and many good and great Priviledges; and containing Lands in real Warrandice, for ſome of the Lands principally diſponed with ſome Limitations (as to the duration thereof) containing alſo ſeveral Rights of Annualrents affecting a part of the Lands, principally diſponed, & as acquired, ſo made uſe of as diſtinct Rights from the Property* in meliorem ſecuritatem, *and declared to be but confuſion of Rights or conſolidation of the Rights of Annualrent, with the Property, in favours of Sir* J. N. *of* D. *and Heirs Male of his Body, whilks*

failzieing in favours of his other Heirs of Tailzie after expreſt; & many things are therein obſervable, as Erections of the ſeveral Lordſhips, Baronies and Tennandries (as they were ab antiquo *) and how (by new Acquiſitions from time to time) theſe (by new Erections) were inlarged, and ſtill with the ſame Priviledges, yea containing Burghs of Barony, Weekly Mercats and Yearly Fairs, Erection of ſome Places in Sea-Ports and Harbours, with Tolls, Cuſtoms, and all other Priviledges, Salt-Pans, Coal-heughs, Inlargement of Paſture and Paſturages, and getting Coal in another Proprietars Ground upon Payment, and the Priviledge of Paſſages to and from the ſame; it contains Patronages of Kirks, Provoſtries and Prebendries; diſpenſing with Irritancies in caſe of not punctual Payment of Feu-duties, only to Poynd the Ground; converting or reſolving a Taxt-Ward to Blanſh; and many more Noble and Royal Benefices: And all for great and eminent Services to the Crown, and no doubt ratified in Parliament.*

OUR SOVERAIGN LORD, for himſelf as King, and likeways as Prince and Stewart of *Scotland*, with the ſpecial Advice and Conſent of, *(here the Conſents were inſert by a Lord High Theſaurer and Theſaurer-Deput, being the Conſtitution for the time, and then the Conſents of the other Lords of Exchequer)* Ordains a Charter to be made and paſt under his *Majeſties* Great Seal of his Highneſs Ancient Kingdom of *Scotland*, in due and competent Form. *Giving*, granting and diſponing, and for his Highneſs and his Succeſſors Kings, Princes and Stewarts of *Scotland*, perpetually confirming, Likeas, his *Majeſty* for himſelf as King, and likeways as Prince and Stewart of *Scotland*, and his Succeſſors, Kings, Princes and Stewarts of *Scotland*, by thir preſents,, gives, grants and diſpones, and perpetually confirms, to his truſty and well beloved S. *J. N.* of *D.* Knight, and to the Heirs-male of his Body, Whilks failzeing, to the Heirs-female, procreat or to be procreat of his own Body, or deſcending of his own Body (the eldeſt being always preferable, and ſucceeding without diviſion) Whilks failzeing, to ſuch perſons one or more, whilks the ſaid *S. J. N.* has Nominat and deſigned, or ſhall Nominat, Deſign or deſcribe (in any Writ by him ſubſcribed or to be ſubſcribed) to be Heirs of Tailzie, and to ſucceed to him in the Eſtate after mentioned, failzeing of Heirs-male and Female deſcending of his own Body) and with and under ſuch Proviſions, Conditions, and Reſtrictions as to the ſaid *S. J. N.* ſhall ſeem expedient, which the perſon ſo deſigned, or to be deſigned ſhall be holden to perform and fulfill, and the ſaid Writ ſhall be als valid and ſufficient as if in thir preſents inſert and ingroſſed, and if no ſuch Writ made the time of the deceaſe of the ſaid *S. J. N.* or if it ſhall happen the ſame to be revocked or altered by him, or failzeing of the perſon ſo deſigned, or to be deſigned; then to the lawful and neareſt Heirs-male whatſoever of the ſaid S. *J. N.* Whilks failzeing, to ſuch perſons, and for ſuch uſes as the ſaid *S. J. N.* has deſigned and appointed, or ſhall deſign and appoint by Charter or Writ ſubſcribed or to be ſubſcribed by him, and with and under ſuch Proviſions and Conditions as he ſhall eſteem fit and congruous at any time in his lifetime, whilks ſhall be repute and holden as valid, as if inſert and ingroſſed in thir preſents, and failzeing ſuch Deſignation, or being made, and thereafter Cancelled or Revoked, then to the neareſt and lawful Heirs and Aſſigneys whatſoever of the ſaid *S. J. N.* heretably (the eldeſt Heir-female ſtill ſucceeding without diviſion, under the Proviſions, Conditions, Declarations, Reſtrictions and Limitations after-mentioned, and no otherways) *All and ſundry* the Lands, Lordſhips, Baronies, and others under-written, *viz.* all and haill the Lands, Lordſhip and Barony of *F.* containing and comprehending all and ſundry the Lands, Baronies and others after-ſpecified. *viz.* (*here all comprehended with ſome Annualrents upliftable*

furth

furth of ſome Lands were inſert) And ſicklike all and haill the Lands and Barony of *D.* comprehending in it ſelf the Lands and others under-written. *viz.* (*here all belonging to the ſaid Barony and Patronage of the Provoſtry of D. and the Lands and Tennendry of K, comprehending the Lands, Tenements, Churches, Teinds and others under-written* viz. (*here were inſert all the Lands and others belonging to the ſaid Tennendry, and the Church of* G. *with the Parſonage, Teinds and other Teinds, and being a part of the Abbacy of* D. *all erected in a Tennendry, called the* T. *of* K. and whilks haill Lands Baronies and others reſpective above-ſpecified, were erected in a free Lordſhip and Barony, called the Lordſhip and Barony of *F.* by vertue of the Infeftment thereof granted by his Majeſties moſt illuſtrious Grandfather *K. J.* the 6. of glorious Memory, to umquhile *T. E.* of *K.* *and that as for the Principals*, and ſicklike all and haill the Lands and Barony of *T.* comprehending the Lands and others under-written, of the Lands and Lordſhip of *S. viz.* (*here the Lands were particularly ſet down*, and then) all unite in one Barony, called the Barony of *C.* by vertue of the Infeftment thereof granted by his Majeſties deceaſt Grand-father before-named to the ſaid *T. E.* of *K.* and by him to, *&c* And that in ſpecial Warrandice and Security of all and haill the ſaids Lands and Barony of *D.* comprehending the particular Lands and others above-expreſt, whilks of old belonged to the ſaid *E.* of *G.* in manner-ſpecified in the Rights and Securities thereof, made to the ſaid *J. E.* of *D.* and by him to the ſaid *J. M.* And farder and principally the Burgh of Barony of *D.* with the haill Liberties, *&c.* pertaining and belonging thereto, all erected in a free Lordſhip and Barony, called the Lordſhip and Barony of *F.* and by vertue of the Charter granted by his Majeſties moſt ſerene Father of glorious Memory, to the ſaid *J. E.* of *D.* (therein deſigned *J. M.* of *I.* one of his Majeſties deareſt Fathers Bed-Chamber, dated at *Greenwich* the 4 of *June* 1631, and whereby it is Ordained and Appointed, that the ſaid Tower, Fortalice and Manor-place of *F.* ſhall be the principal Meſſuage of the ſaid Lordſhip and Barony, and that a Seaſin to be taken thereat ſhall ſtand, and be a ſufficient Seaſin for the haill Lands, Lordſhip and Baronies, Burgh of Barony and others reſpective above-mentioned, as well principally as in Warrandice diſponed, as is above exprimitted, and every part thereof, notwithſtanding they ly not togerher and contiguous, but in divers Sheriffdomes and Juriſdictions. *Nota*, After this there followed ſeveral Patronages, Tenements, Ackers, Teinds, and Annuities thereof, and many of which belonged to Vaſſals, who reſigned the Property in the Superiors Hands *ad remanentiam*, and all thereafter erected in a haill and free Lordſhip and Barony, called the Lordſhip and Barony of *F.* whoſe Tower, Fortalice and Mannor-place of *F. alias* called *Over-ſideſerf*, is Ordained to be the principal Meſſuage and Seaſin to be taken thereat, ordained to ſtand, and be a ſufficient Seaſin for all and ſundry the Lands, Lordſhip, Barronies, Burghs of Barony, Tennendry, Patronages, Teinds and others particularly and generally above recited, diſponed as well principally as in Warrandice, and for every Part thereof, conform to a Charter granted by his deareſt Brother under the Great Seal, to the ſaid *S. J. N.* thereupon, of the date the 29 day of *Feb.* 1664: And ſicklike giving, granting and diſponing, and for his Majeſty and his Succeſſors Kings, Princes, and Stewarts of *Scotland*, perpetually confirming; Likeas his Highneſs by theſe preſents for himſelf as King, and as Prince and Stewart of *Scotland*, gives, grants and diſpons, and for his Highneſs and his Succeſſors Kings, Princes and Stewarts of *Scotland* perpetually confirms to the ſaid *S. J. N.* and Heirs-male of his Body, whilks failzeing to the Heirs-female procreat or to be procreat, or deſcending of his Body, (the eldeſt ſtill to be preferred to the reſt, and ſucceeding without diviſion as ſaid is, (under the Proviſions, Conditions, declarations, Reſtrictions and Limitations after-mentioned, and no otherways)

all and haill the Lands, Lordſhip and *Barony* of *J.* (here the reſt were inſert lying within the *E.* of *H.* and Sheriffdom of *E.* and by Annexation within the *Barony* and Sheriffdom of *R.* together with the Priviledges and Paſtours in the Muirs thereof adjacent, and Office of *Bailliary* of the ſame, and other Liberties, Immunities and Caſualities of the ſaids Lands and Office whatſoever, particularly and generally ſpecified, and contained in the Infeſtments thereof granted to the deceaſt *A. H.* ſome time of *J.* Knight thereupon, and all and haill the Teinds, Parſonage and Vicarage of the Lands, *Barony*, Miln-Lands, and others above-expreſt, which are a part of the Teinds, Parſonage and Vicarage of the Paroch-Kirk and Parochin of *J.* and were of old a part of the Abbacy of *P.* and thereafter pertained to *J. E.* of *A.* as a Part and Pertinent of the Lordſhip of *P.* together alſo with Advocation, Donation and Right of Patronage of the ſaid Pariſh-kirk and Parochin of *J.* lying within the *C.* of *H.* and Sheriffdom of *E.* and in like manner the two Temple-Lands lying in the Town of *J. &c.* with the Priviledges and Paſturages in the Muires thereof adjacent, with the Office of Bailliary of the ſame, and other Liberties, Immunities, and Caſualities of the ſaids Lands and Office whatſoever particularly and generally ſpecified and contained in the Infeſtments thereof granted to *I. E.* of *D.* and his Authors thereupon, with all and ſundry the Teinds, *&c.* lying, *&c.* as alſo the Burgh of Barrony of *I.* and weekly Mercats thereof, to be holden the — day of — and two free Fairs of the ſame, either of them to continue for the ſpace of two days, the one thereof to begin the — day of — called — and the other of the ſaids Fairs, beginning the — day of — called — Fair yearly, and the Sea-port or Harbour of *I.* together with the haill Priviledges, Liberties, Immunities, Toles, Cuſtoms, Anchorages, Shore, Silver, Dock-mail, Ground leave, and all other Duties, Accidents and Caſualities of the ſaid Burgh of Barony, Weekly-Mercats and yearly Fairs thereof, and of the ſaid Sea-port and Harbour of *I.* particularly and generally mentioned in the Infeſtments granted thereupon by his Majeſties deareſt Father *Charles* the firſt of bleſſed Memory for himſelf as King, and as Prince and Stewart of *Scotland*, to the ſaid deceaſt *J. M.* thereafter E. of *D.* and his Spouſe and their foreſaids, dated at *Whitehall* the 22 day of *May* 1630. Whilks Lands, Barony, Lordſhip, Teinds, Temple-LandsBurgh of Barony, Mercats, Fairs, and others above-ſpecified, with all their Priviledges, Liberties, *&c.* all unite in a free Barony, called the Barony of *I.* and a Seaſin at the Mannor-place of *I.* ordained to be ſufficient for all and haill the ſaids Lands, Lordſhip, Barony, Teinds, Temple-Lands, Burgh of Barony, Mercats, Fairs, Sea-ports and others above-written, with all their Priviledges, *&c.* conform to the Charter granted by his Majeſties Father *Charles* the firſt, of bleſſed Memory, to the ſaid *J.* M. of *I.* thereafter Earl of *D.* (therein deſigned one of the Bed-Chamber) and to umquhile *E. D. B.* his Spouſe, their Heirs and Aſſigneys therein-ſpecified, dated the 30 day of *September* 1641. And likeways all and haill the Lands and Barony of *I.* (*here the reſt were inſert*) with all their Priviledges lying formerly within the C. of *H.* and Sheriffdom of *E.* and now by Annexation within the Sheriffdom of *R.* and bears alſo this general Clauſe, together with all other Lands of whatſoever other Name, Holding or Deſignation they be of, lying within the ſaids Lands of *T.* comprehending as ſaid is, together alſo with Priviledge of Commonty and common Paſture, and priviledge of pulling and taking away of Hedder, and of Caſting, Winning and Leading away Fewel, Feal and Divot in the Muire called — and broken Moſs, and in all other Moſſes, Muires and Bounds, as the Heretor and Tennents of the Lands, and other foreſaids were in uſe with the Coals, Coal-heughs, Lime-Stone-Quarries and Free-ſtone-Quarries, Salt-Pans, and Salt-Girnals, Milns *Dams*, Aquaducts, and all other Lands. Houſes, Tenements and others whatſomever, lying in the ſaid Parochin of *I.* to which *J. W.* now of *G.* for himſelf, and as Heir of the deceaſt

S.

S. P. *W.* his Father had Right by whatſomever manner of way, of whatſomever Name or Deſignation they be of, with the Burial-place and Dasks, Rooms and Places in the Church of *I.* belonging to the ſaid ſeveral Baronies; And in like manner, all and haill the Teinds, Parſonage & Vicarage of the ſaids Lands and Barony of *T.* and Pertinents thereof above-diſponed, whilks are a part of the Teinds, Parſonage and Vicarage of the ſaid Paroch-Church and Parochin of *I.* excepting alwiſe (*here ſeveral Lands both Property and Superiority and Teinds were excepted, notwithſtanding they were contained in the former Charter, and then the draught of the Signature bears, the Reſervation following*) And farder, reſerving to the ſaid S. *W. R.* of *D.* and his Succeſſors in the ſaid Barony of D. and their Tennents, Liberty and Priviledge freely to win, lead and away-take Stone and Lime out of whatſoever going Quarries within the ſaids Lands of *T.* or Quarries within the Sea-marks, with free Iſh and Entry to and from the ſame by the ordinary ways and paſſages, Whilks the ſaid *S. J. N* and his foreſaids from time to time ſhall be obliged to make patent, and that for the proper and particular uſe of the Tennents and Labourers of the Ground of the ſaids Lands and Barony of *D.* allanerly, providing alwiſe that the ſaid *S. J. N.* and his foreſaids, and their Tennents (for the Reſervation above-mentioned) ſhall have full Power and Liberty firſt, and before all others to be ſerved, and to have Coals out of the Coal-heughs of D. for the uſe of their Lime-Kilns, with free Iſh and Entry from and to the ſaids Coal-heughs, through the ordinary Paſſages, and that the ſaid *S. V. R.* and his Heirs and Succeſſors in the ſaids Lands and Barony of *D.* ſhall be bound and obliged upon all Occaſions from time to time, to render the ſame patent and open to the ſaid S. *J. N.* and his foreſaids, and their Tennents paying the ordinary price for the ſaids Coals; and alſo to tollerat and permit the ſaid *S. J.* N, and his forſaids, and their Tennents of the ſaids Lands and Barony of *T.* to uſe the ſaid Liberty according to the Proviſion and Obligation granted thereanent, of the ſaids Lands and Barony of *T*: by the ſaid *S. V. R.* to the ſaid S. *P. W.* of *G.* and to the ſaid *J. W.* now of *G.* his Son, and contained in their Infeftment following thereupon under the Great Seal, Whilks Lands, Milns, and others above-written, (excepting as is above excepted) are unite in a haill and free Barony, called the Barony of *T.* and the Tower of U. ordained to be the principal Meſſuage of the ſaid Barony, and a Seaſin thereat or upon the ground of any part of the ſaids Lands, declared to be ſufficient for the haill, conform to a Charter granted by his Majeſties deareſt Brother (of moſt bleſſed Memory) to the ſaid deceaſt *S. P. V.* in Liferent, and his ſaid Son, and to the Heirs, Succeſſors and Aſſigneys therein-ſpecified, dated at *Whitehall* the 10 day of *July* 1670: And moreover all and haill an Annualrent of —— and another Annualrent of —— Money of the ſaid Kingdom of *Scotland*, both to be uplifted yearly at the Feaſt of *W.* and *M.* by equal Portions, furth of all and ſundry the ſaids Lands and Barony of *D.* and *T.* with the Pertinents thereof acquired by the ſaid *S. P. V.* of *G.* from *S. T. M.* of *G.* who had Right thereto from *M. T. H.* Rector of *A.* And alſo an Annualrent of — yearly to be uplifted at the Terms, and by equal Portions as ſaid is, furth of the ſaids Lands and Baronies of *D.* and *T.* or any part thereof acquired by the ſaid deceaſt S. *P. W.* from P. *B.* of *C.* as for the Principal; And likewiſe all and haill the Lands and Barony of *F*, comprehending the particular Lands, Milns, Woods, Fiſhings, and others particularly under-written; *viz.* all and haill the Lands of *F.* (*here ſeverl other Lands, Patronage and Teinds ware inſert*) in ſpecial Warrandice and Security to the ſaid *S. J. N.* and his foreſaids, of all and haill the ſaids Lands and Barony of *J.* with the Pertinents lying as ſaid is, and with the Priviledges and Paſtourages in the Muires adjacent thereto, and Offices of Bailliary, and other Liberties mentioned in the Infeftment thereof granted to the ſaid S. P. *W.* of *G*, and likewiſe in Warran-

dice (under the Proviſions, Conditions, Declarations, Reſtrictions and Limitations after-mentioned, and no otherways) all and haill the Lands and Barony of D. (*here ſeveral other Lands and others were inſert, and then the Stile bears*) and that in real Warrandice and Security to the ſaid *S. J. N.* and his above-ſpecified of the ſaids Lands and Barony of *T.* with the Pertinents thereof above mentioned, principally diſponed for warranding thereof as to all Cautionries and other Debts reſting by the ſaid S. *W. R.* of *D.* av and while the ſame were truly and really purged, and the ſaid S. *J. N.* and his forefaids liberat of all Expenſes, Prejudice and Damnage which they from thence ſhall ſuſtain; ſo if they or any of them were troubled or moleſted in the peaceable poſſeſſion of the ſaids Lands and Barony of *T.* with the pertinents, or in uplifting the Rents and Duties thereof, then and in that caſe they ſhall have full and free ingreſs and acceſs to the ſaids Lands and Barony of *D*, with the Tower, Miln, and Pertinents, and to the uplifting of the Mails and Duties thereof, at leaſt als much of the ſame as ſhall adequat and correſpond to the Moleſtations, Perturbations and Evictions for the ſaids Lands and Barony of *T.* with the Pertinents thereof principally Diſponed, and until they bruik and enjoy the ſame freely and quietly, without any Diſtrictions, Moleſtations, or Perturbations, and no longer, after which they ſhall be holden to denude themſelves of the ſaid Right of Warrandice and Infeftment following thereupon, in ſo far as concerns the Barony of *T.* in favours of the ſaid S. *W. R.* of *D.* his Heirs and Aſſigneys, *omni habili modo quo de jure*, with Warrandice from their own proper Facts and Deeds allanerly; with this expreſs Proviſion, that notwithſtanding the Property of the ſaids Lands and Barony of *T.* be hereby eſtabliſhed in the perſon of the ſaid S. *J. N.* yet nevertheleſs, the Right of the ſaids yearly Annualrents of —— and —— merks *reſpective* above-mentioned, are not extinguiſhed nor confounded with his ſaid Right of Property, but ſhall remain entire and diſtinct from the ſame, and it ſhall be lawful to the ſaid S. *J. N.* and his foreſaids, to Infeft themſelves with, and to uſe the preſent Right of the ſaids Annualrents, and the ſaid Right of Property for ſecuring and defending themſelves in the Poſſeſſion of the ſaids Lands and Barony of *T.* the one but prejudice of the other, and without any confuſion or conſolidation of the ſaids Rights, with and under the proviſions, conditions, declarations, reſtrictions and limitations after-mentioned, *viz.* that if the ſaids Lands and Baronies above-mentioned, fall to the Heirs Female procreat or deſcending of the Body of the ſaid S. *J. N.* that ſhall be unmarried the time of their Succeſſion, in that caſe, the ſaid Heir-Female ſhall be holden to marry a Gentleman of the Sirname of *N.* or of any other Sirname, who, and the Children to be procreat of any ſuch Marriages, ſhall be holden to aſſume, uſe, clothe themſelves with, and retain the ſaid Sirname of *N.* and proper Arms of the ſaid S. *J. N.* and if the ſaid Heirs-Female be married the time of their Succeſſion, they and their Husbands and Children ſhall be holden and obliged to aſſume, uſe and retain the ſaid Sirname and Arms; and if the ſaids Heirs-Female, or their Deſcendents, of whatſomever Sex, whether Males or Females ſua ſucceeding, if they do not aſſume, or deſiſt to uſe, bear and carry the ſaid Sirname and Arms, then and in theſe caſes, they ſhall forfeit, amit and tine their Right and Intereſt in the ſaids Lands, Baronies, and others above diſponed, for themſelves, and the ſame ſhall pertain, go, and be devolved upon the next perſon deſcending of the Body of the ſaid S. *J. N.* who ſhould ſucceed for the time after contravention, and that whether deſcending of the Body of the Contraveener or not. *And in like-manner*, by thir Preſents, it is expreſly Provided and Declared, that it ſhall be no ways lawful, either to the Heirs of the ſaid S. *J. N.* his Body, or deſcending of them, or to the other Heirs of Proviſion, or any of them already named and deſigned, or to be nominat

or

or deſigned by the ſaid S. *J. N.* in any time-coming, to ſell, annailzie, or diſpone the Lands, Baronies, and others above-recited, or any part thereof, either Irredeemably, or under Reverſion, by granting Wodſets or Infeftments of Annualrent, or to burden or affect the ſame by any Servitude or other Burden, or to ſet Tacks or Rentals for longer ſpace than their own Lifetimes, or their Intereſſes, or for any other Duty than the ordinary Duty for the time payable; nor ſhall it be lawful, nor in the power of any of them, to contract Debt, nor to do any other Deed, by which the ſaids Lands, Baronies, and others above-ſpecified, or any part thereof may be Appryſed, Adjudged, or any other manner of way Evicted or Forfeited in prejudice of the ſaid Tailzie, or of any other Tailzie, Deſtinations, or Deſignations made or to made by the ſaid S. *J. N.* or in favours of thoſe who by vertue thereof are to Succeed, and if they or either of them, ſhall do any Fact or Deed in the contrair of the ſaids Proviſions, or by diſponing, or committing any Crime, Delict or Defect, or by contracting Debt, or by committing any Fact or Deed, the ſaids Facts and Deeds, and all and each of them ſhall not only be void and null in ſo far as concerns the ſaids Lands, Baronies, and others above-mentioned, ſo as the ſame ſhall not be affected therewith, in prejudice of the Heirs of Tailzie and Proviſion ſucceeding, ſeing thir Preſents, in manner and with the Proviſions above-ſpecified, and no otherways are granted; and likeways, the Contraveeners (if they be of the ſaid S. *J. N.* his Body, or of them deſcended,) ſhall only (for themſelves only and allanerly) foreſeit and amit the Right to the ſaid Eſtate, and the ſame ſhall appertain and belong to the neareſt perſon who afterwards may ſucceed, albeit deſcending of the Body of the Contraveener (if any be;) and if the Contraveeners be not deſcended of the ſaid S. *J. N.* his Body, then they for themſelves, and their Deſcendants, ſhall amit and forefeit their Right and Intereſt in the Lands, Baronies, and others above-diſponed, and the ſame ſhall devolve, deſcend and pertain to the perſon who ſhall be neareſt, and ſhall have right of Succeſſion thereto, by vertue of the ſaid Diſpoſition and Deſtination, free from all Debts, Facts and Deeds done and contracted by the Contraveeners; and it ſhall be lawful to the perſon having Right to ſucceed, either to obtain Declarators upon the committing and contraveening (or coming in the contrair) of the ſaids Clauſes Irritant and Proviſions, declaring and adjudging the ſaids Lands, Baronies, and others above-ſpecified, to pertain to them and their foreſaids, and decerning and ordaining the Superiors to Infeft them therein, or to obtain themſelves Served, Retoured, Infeft and Seaſed in the Lands, Baronies, and others above-written, as Heirs to the Perſons who died laſt veſt and ſeaſed in the ſame before the Contravention, in reſpect that the Right of the Contraveener ſhall be diſſolved and extinct from the time of the Contravention, in the ſame way and manner as if the ſame had not been granted to them, or any other manner of way which formally and legally may be done for conſtitution and eſtabliſhing the ſaid Right in their Perſon; as alſo, with this Proviſion, that if any of the ſaids Heirs of Tailzie, owed, or ſhall contract any Debt, or be lyable to Debt or Deeds before their Succeſſion, or ſhall happen them to be obnoxious for themſelves, or as repreſenting any others, or for any other cauſe; in that caſe, it is hereby declared, that the ſaids Debts ſhall be void, in ſo far as concerns the Lands, Baronies, Annualrents, and others above-rehearſed, and the ſaids Heirs ſhall be holden to pay the ſame, and liberat themſelves thereof; and if the ſaid Eſtate, or any part thereof, ſhall happen to be appryſed or adjudged for any ſuch Debts, and that the ſame ſhall not be redeemed within the ſpace of two years after the date of any ſuch Appryſing or Adjudication, in that caſe, the ſaid perſon, if of the ſaid S. *J. N.* his Body, or deſcending thereof, for himſelf only, ſhall forefeit and amit his own Right to the ſaid Eſtate, and

the ſame ſhall pertain to the next perſon who would ſucceed, albeit deſcending of the Body of the Contraveener; and if the Contraveeners are not deſcended of the ſaid S. *J. N.* his Body, then they and the Deſcendents of their Bodies, ſhall forefeit and tine their own Right and Intereſt in the ſaid Eſtate, and the ſame ſhall pertain to the perſon who is neareſt in Succeſſion for the time as ſaidis: And notwithſtanding the Proviſions above-mentioned, yet nevertheleſs it is declared by thir preſents, that the ſaids Heirs or Deſcendents of the ſaid S. *J. N.* his Body, or other Heirs-Male of Tailzie and Proviſion above-written, ſhall have Power of providing their Wives to competent Liferent-Proviſions, in ſo much of the Lands, Teinds, and others Diſponed, or any other Lands or Teinds, which fall to them by deceaſe of the ſaid S. *J. N.* as will not exceed in Victual and Money —— Chalders of Victual, or als much of Victual as may be juſtly eſtimat to —— merks Money of *Scotland*, whereas the ſaids Wives ſhall no ways be infeft nor ſecured in any Annualrent, to be uplifted furth of the ſaid Eſtate, or any part thereof, but to the Sum which they ſhall be provided of ſo much Yearly-Duty in manner-foreſaid, ſo as they themſelves may uplift and receive the ſame, and the ſucceeding Heirs of Tailzie are not obliged in Payment thereof, nor the Lands and others above-written, thereafter affected therewith; *Declaring* always, that neither the Relict of any of the ſaids Heirs, nor the Husbands of the Heirs-Female outliving them ſhall have Right to any Terce or Courtiſie of the ſaids Lands, Baronies, and others above-expreſt, or any part thereof, but ſhall be and are altogether ſecluded from the ſame, notwithſtanding of any Law or Conſuetude in the contrair; whilks haill Lands, Lordſhip and Barony of *F.* comprehending the ſaids Lands, Baronies, Teinds, and others above-mentioned, pertained Heretably of before to the ſaid S. *J. N.* holden by him immediatly of his Majeſty as King of *Scotland*, and were duely and lawfully reſigned by him, and his lawful Procurators in his Name, to that effect ſpecially conſtitute, and Patent Letters in the Hands of the Lords of Exchequer, of his ſaid Majeſties deareſt Brother, within the ſaid Kingdom, having full Power to receive Reſignations in his Highneſs Name, and thereupon to grant new Infeftments, as in his Majeſties Hands, immediat lawful Superiors thereof, purely and ſimply by Staff and Baſton, as uſe is, together with all Right, Title and Intereſt, Claim of Right, Property and Poſſeſſion, Peritor and Poſſeſſor, which the ſaid S. *J. N.* had, or any ways might Claim or Pretend thereto, or any part thereof, in favours and for new Infeftment thereof, to be made and granted to the ſaid S. *J. N.* and his foreſaids, by his Majeſty, under his Highneſs Great Seal of the ſaid Kingdom, by vertue of, and conform to the Procuratory of Reſignation, granted by the ſaid S. *J. N.* dated the —— day of —— years, for Reſigning the Lands, Lordſhip and Baronies above-written, in manner and to the effect above-mentioned, as authentick Inſtruments taken thereupon, in the Hands of —— Nottar-Publick, the —— day of —— years, more fully proport; and likeways, in a Court of Appryſing, holden by Diſpenſation anent the Place, within the new Seſſion-Houſe of *Edinburgh*, before —— Meſſenger, Judge and Sheriff in that part, and his Collegues, upon the —— day of —— years, the ſaids Lands, Lordſhip and Barony of *F.* were duely and lawfully appryſed from the deceaſt *J. M. V.* of *C.* and thereafter Earl of *S.* at the inſtance of the ſaid S. *J. N.* in payment and ſatisfaction to him of the Sums of Money, Principal, Annualrents and Expenſes, contained in the Decreet of Appryſing, led and deduced thereanent, extending in the haill to the Sum of —— *Sterling* Money of Principal, with the Sum of —— Money foreſaid of Sheriff-fee correſponding thereto, *ſalo juſto calculo*, in both the ſaids Sums, as in the Proceſs and Decreet of Appryſing, led and deduced thereupon, ſeen and conſidered by the Lords of Council and Seſſion, and by them found orderly proceeded, in manner Written on the back thereof,

of, upon the — day of — the ſaid year, as uſe is, containing therein an Proteſtation, that the ſame ſhould be but prejudice to the ſaid S. *J. N.* and his foreſaids, of their other Rights of the Lands, Lordſhip, Baronies, and others above-ſpecified, Appryſed as ſaid is, and that it ſhall be leiſum and lawful to the ſaid S. *J. N.* and his above-ſpecified, to bruik and enjoy the ſame Lands, Lordſhip, Baronies, and others foreſaids, either by vertue of the ſaid Appryſing and Infeftments following thereupon, or by vertue of their other Rights and Securities thereof, or by both, conjunctly and ſeverally, the one but prejudice of the other, *accumulando jura juribus*, and as to him and his foreſaids ſhall ſeem expedient. *And in like-manner*, the ſaids Lands, Lordſhip, and Barony of *F.* comprehending the Lands, Baronies, Teinds and others above-mentioned, were duely and lawfully reſigned by the ſaid umquile *J. C.* of *S.* and by *R. M.* of *K.* Heir-male of the ſaid deceaſed *J. C.* of *D.* and by their lawful Procurators in their Names, to that effect ſpecially conſtitute, and Patent Letters in the Hands of the ſaids Lords of Exchequer, of his Majeſties Kingdom aforeſaid, as in the Hands of his Highneſs immediat lawful Superiors thereof, and that purely and ſimply by Staff and Baſton, as uſe is, together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, Petitor and Poſſeſſor, which they, their Predeceſſors and Succeſſors, had, have, or any ways may have, claim or pretend thereto, or to any part or portion thereof, in time-coming, by vertue of, and conform to the Procuratory of Reſignation, contained in the Diſpoſition of the ſame, made by the ſaid *J. C.* of *S.* and *R. M.* of *K.* to the ſaid *S. I. N.* his Heirs and Aſſigneys therein-ſpecified, dated the —— day of —— years, whereby it is Provided and Declared, that it ſhall be lawful to the ſaid S. *I. N.* and his foreſaids, to bruik and enjoy the ſaids Lands, Lordſhip, Baronies, *Teinds*, Tenements, and others *reſpectivè*, particularly and generally above-diſponed, either by vertue of the ſaids Diſpoſitions and Infeſments following thereupon, or by vertue of their other prior real Rights and Securities thereof, and to aſcribe their Poſſeſſions to all or either of them, either conjunctly or ſeverally, as diſtinct Real Rights, the one but prejudice of the other, as to them ſhall ſeem expedient, *accumulando jura juribus*, and that but any Innovation or Confuſion of Rights, by whatſoever manner of way as authentick Inſtruments taken upon the ſaid Reſignation in the hands of —— Nottar publick, the —— day of —— —— years, in themſelves more fully is expreſt. *And farder* the ſaid S. *J. N.* by his Declaration ſubſcribed with his hand, of the date the — day of —— years, Declared, that albeit the ſaid Diſpoſition granted by the ſaids *E.* of *S.* and *R. M.* be in favours of the ſaid S. *J. N.* and Heirs of Tailzie therein-mentioned, and that Reſignation be accordingly made thereupon; Yet nevertheleſs, he thought it moſt convenient and fit to alter the ſaid Tailzie, and thereby declared, that the Right ſhould be taken upon the ſaid Diſpoſition and Reſignation to himſelf, and to the Heirs-male of his Body, whilks failzieing, to the Heirs-female procreat or to be procreat, or deſcending of his own Body, (the eldeſt being alwiſe to be preferred, and to ſucceed without diviſion) Whilks failzeing, to ſuch perſons one or more which the ſaid S. J. *N.* had appointed and deſigned, or ſhould appoint and deſign, or in any Write ſubſcribed or to be ſubſcribed by him, to be Heirs of Tailzie, and to ſucceed to him in the Eſtate above-mentioned (failzeing Heirs Male and Female deſcending of his own Body, and with and under ſuch Proviſions, Conditions and Reſtrictions as the ſaid S. J. N. ſhould think fit and expedient) which the Perſons ſo deſigned, or to be deſigned ſhall be holden to perform and fulfill, and whilks failzeing (or if there be no ſuch Writ extant, the time of the ſaid S. J. N. his deceaſe, or if it ſhall happen the ſame to be revoked or altered by him, or if the perſons ſo deſigned, or to be deſigned faill) then to the ſaid S. J. N. and to his neareſt and lawful Heirs-male whatſoever, whilks failzeing, to ſuch

perſons, and for ſuch uſes as the ſaid S. J. N. has appointed and deſigned, or ſhall appoint and deſign by Charter or Write ſubſcribed, or to be ſubſcribed by him, with and under ſuch Proviſions and Conditions, as to him any time of his own lifetime ſhall ſeem fit and expedient, which ſhall be holden and eſteemed as valid as if in thir preſents inſert and ingroſſed, and failzeing any ſuch Deſignation, or being made, and thereafter revoked or cancelled, then to the ſaid S. J N. his own neareſt and lawful Heirs and Aſſigneys whatſoever heretably (the eldeſt Heir female alwiſe ſucceeding without diviſion) under the Proviſions, Conditions, Declarations, Reſtrictions and Limitations abovementioned, and no otherways, as in the ſaid Declaration more fully is expreſt. *And moreover*, the ſaid Lordſhip and Baronie of J, and Lands and Baronies of *T. F.* and *D.* principally and in warrandice diſponed in manner aforerehearſed, with the Teinds, Rights of Patronages, and Pertinents thereof, and Ackers above-ſpecified therein contained and comprehended, pertained heretably of before to his Majeſties truſtie Counſellor J. W of G. and the ſaids two Annualrents of —— and —— pertained heretably of before to S. *T. M.* of *G.* and the ſaid Annualrent of —— pertained heretably of before to *P. B.* of *C.* holden by them immediatly of his Majeſtie himſelf as King, and as Prince and Stewart of *Scotland*, and were by the ſaids J N. and S. T.M. and *P. B.* and by *A. T.* Merchant Burgeſs of — Appryſer of the ſaids Baronies of *T.* and *D.* and *R. J, &c.* and J. W. her Husband, who had a Right of Wadſet upon the ſaids Lands of *T.* and *D.* and by their lawful Procurators in their Names to that effect ſpecially conſtitute, and patent Letters duely and lawfully reſigned, purely and ſimply by Staff & Baſton, as uſe is in the hands of the ſaids Lords of his Majeſties Exchequer having power to receive Reſignations in his Highneſs Name, and thereupon to grant new Infeftments as in the hands of his Majeſtie, for himſelf as King, and as Prince and Stewart of *Scotland*, at — the —— day of —— years, together withall Right, Title, Intereſt and Claim of Right which the ſaid *J. N.* and *A. T. S. T. M. P. B. R. J.* and her Husband, or any of them, their Heirs and Aſſigneys, had, have or any ways may claim or pretend thereto. *In favours*, and for new infeftment of the ſame, to be made and granted to the ſaid *S. J. N.* and his above-mentioned, by his Majeſty for himſelf as King, and as Prince and Stewart of *Scotland*, under his Highneſs Great Seal of the ſaid Kingdom, in due and competent form, by vertue of, and conform to the procuratory of Reſignation contained in the Letters of Alienation and Diſpoſition of the ſaids Lands, Lordſhip and Baronies of *J. T. F.* and *D.* and others aforeſaid made by the ſaid *J. N.* to the ſaid *S.* J. *N.* and his above-ſpecified, dated the — day of —— —— years, and by vertue of an other Procuratrie contained in another Diſpoſition of the ſaid Annualrent of —— and —— made by the ſaid *S. T. M*, to the ſaid *S. P. W.* in liferent, and to his ſaid Son and his Heirs and Aſſigneys in Fee, dated the —— day of —— —— years, And by vertue of another Procuratrie contained in an other Diſpoſition of the ſaid Annualrent of —— made by the ſaid *S. T, M.* and *B. H.* his Spouſe, to the ſaid *S. P. W.* dated the — day of —— —— years, and by vertue of an other Procuratrie contained in the Diſpoſition of the ſaid Annualrent of —— made by the ſaid P. B. of *C.* to the ſaid deceaſed *S. P. W.* his Heirs and Aſſigneys, dated the — day of —— —— years: And by vertue of an other Procuratrie contained in another Diſpoſition granted by the ſaid *A. T.* of the ſaids Lands and Sums for which the ſame were appryſed to the ſaid S. *P. W.* his Heirs and Aſſigneys, the —— day of —— —— years, which Diſpoſitions and Procuratries of Reſignation therein contained were aſſigned by the ſaid *J. W.* for himſelf, and as Son and Heir in general and ſpecial to the ſaid S. *P. W.* in favours of the ſaid S. J. N. and his foreſaids, conform to the Diſpoſitions and Aſſignations granted thereupon, dated the —— day of —— —— years, and by vertue

vertue of an other Procuratrie of Reſignation contained in the Diſpoſition of the ſaids Lands and Baronies of *T.* and *D.* and of the Sums whereupon redeemable granted by the ſaid *R. I.* and her ſaid Husband to the ſaid umquhile *S. P. W.* and his foreſaids, dated the —— day of —— —— years, and aſſigned by the ſaid *J. W.* Son and Heir foreſaid by the ſaid Diſpoſition and Aſſignation above-mentioned granted by him to the ſaid *S. J. N.* and his foreſaids, dated the — day of —— —— years, as Authentick Inſtruments taken upon the ſaids Reſignations in the hands of —— Nottar publick, dated the — day of ——in themſelves more copiouſly is comprehended; As alſo the the ſaids Lands and Barony of *T.* and *D.* with the Teinds and Pertinents thereof above-rehearſed, were upon the —— day of —— —— years, duely and lawfully appryſed from the ſaid *S. W. R.* at the Inſtance of *J. P.* of *W.* in ſatisfaction to him of the Sum of —— of principal, and of the Sum of —— money foreſaid of Sheriff-fee correſponding thereto *ſalvo juſto calculo* in both the ſaid Sums, as the Decreet of Appryſing deduced thereupon allowed and approven the — day of —— —— years, and aſſigned and diſponed by the ſaid *J. P.* to the ſaid deceaſt *S. P. W.* and his foreſaids by Aſſignation and Diſpoſition, dated the —— day of —— —— years, bears: *And likeways*, the ſaids Lands and Baronies of *T.* and *D.* were lawfully appryſed from the ſaid *S. W. R.* the —— day of —— —— years, at the inſtance of *A. L.* —— in payment, and ſatisfaction to him of the Sum of —— Money foreſaid for the Principal, and of —— Money above-written of Sheriff-fee *ſalvo juſto calculo* in both Sums, and which Appryſing was allowed the — day of —— thereafter, which Appryſing and the Lands and Baronies, and Sums of Money therein-contained were aſſigned and diſponed by the ſaid *A. L.* to the ſaid deceaſed *S. P. W.* In Liferent, and to the ſaid *J. W.* his Son, and to his Heirs and Aſſigneys in Fee, conform to the Diſpoſition and Aſſignation granted thereanent, dated the —— day of —— —— years: *And ſicklike* the ſaids Lands and Baronies of *T.* and *D.* were upon the —— day of —— —— years, duely and lawfully Appryſed from the ſaid *S. W. R.* at the inſtance of *J.* and *A. B.* lawful Children of the deceaſt *J. B.* —— in payment to them of the Sum of —— Money foreſaid as for the Principal, with the Sum of —— Money above-written of Sheriff-fee, in manner-ſpecified in the Proceſs and Decreet of Appryſing led and deduced thereupon, approven and Recorded the —— day of the ſaid Moneth, which Appryſing and Lands and Sums therein-contained, were diſponed and Aſſigned by the ſaids *J.* and *A. B.* to S, *I. S.* of *N.* Knight, his Heirs and Aſſigneys whatſoever, by two Diſpoſitions and Aſſignations, whereof one granted to the ſaid *J. B.* dated the —— day of —— —— years, and the other granted by the ſaid *A B.* dated the —— day of —— —— years, And which whole Appryſings and Lands and Sums therein contained were aſſigned and transferred by the ſaid *S. I. S.* to the ſaid umquhile S *P. U.* by Diſpoſition dated the —— day of —— —— years. *And in like manner*, the ſaids Lands and Baronies of *T.* and *D.* were upon the —— day of —— —— years, duely and lawfully appryſed from the ſaid S. *W. R.* at the Inſtance of *W* S. —— in payment to him of the Sum of —— Money foreſaid as for the Principal, and of the Sum of —— of Sheriff-fee effeiring thereto, as in the Decreet and Proceſs of Appryſing led and deduced thereupon, approven and recorded, the —— day of —— thereafter, in it ſelf more fully is contained, which Appryſing and Lands and Sums therein-ſpecified, were diſponed and aſſigned by the ſaid, W. S. to umquhile *M. T. H.* —— his Heirs and Aſſigneys whatſoever, by Diſpoſition and Aſſignation granted by him and others having Intereſt therein, the —— and —— days of —— —— years, and the ſaid Decreet and Proceſs of Appryſing, and Lands and ſums of Money therein-contained, were diſponed and transferred by the ſaid *M. T. H.* to the ſaid S. *P. W.* and his

foresaids, conform to the Disposition granted thereanent, dated the --- day of ---- years, And farder, the saids Lands and Baronies of *T.* and *D.* were upon the -- day of -- appryſed from the said S. W. *R.* at the Instance of *A. G.* -- for the sum of --- Money foresaid as for the Principal, and of the sum of --- Mony above-written of Sheriff-fee corresponding thereto, and the said Appryſing seen and allowed by the saids Lords of Council and Session, the --- day of --- thereafter, and disponed by the said *A. G.* to the said umquhile S. *P.* W. in liferent, and to the said J. W. his eldest Son, and his foresaids in Fee, conform to the Disposition and Assignation granted thereanent, dated the --- day of --- years *Moreover*, the saids Lands and Baronies of *T.* and *D.* were upon the --- day of ---- years, duely and lawfully Appryſed from the said S. W. *R.* at the Instance of J. S. of --- for the sum of --- Money foresaid as for the Principal, and of the sum of - - - Money above-written of *S*heriff-fee, and the said Appryſing allowed the — day of — thereafter, and by the said *J.* S. disponed to the said umquhile S. *P.* W. and his foresaids, conform to the Right granted thereanent, dated the —— day of — -- years. *As also*, the said *J.* W. now of *G.* for himself, and as Heir served and retoured to the said deceast S. *P.* W. his Father by his Letters of Disposition and Translation dated the --- day of ---- years, sold and disponed to the said S. *J. N.* and his foresaids the saids Lands, and Baronies of *T.* and *D.* with the Pertinents, principallie and in Warrandice in manner foresaid, under the Provisions, Conditions, Declarations, Restrictions and Limitations above-mentioned, and no otherways: *And, likeways* sold, Assigned, Transferred and Disponed to the said S. J. *N.* and his foresaids, the Proceſs and Decreets of Appryſing above specified, allowance thereof above-written, sums of Money, Principals, and Shereiff-fees therein contained, and three Annualrents above-rehearsed which pertained to the saids S. *T. M.* and *P. B.* with the whole Dispositions, Assignations, and whole other Rights of the Premisses made to him and his said deceased Father, and to their Cedents and Authors, as in the saids Letters of Disposition and Assignation more fully is comprehended; *Reserving* always to *D. J. M.* Spouse to the said *S. J. N.* the Provisions of such parts and portions of the saids Lands, Lordship, and Barony of *F.* as are granted or to be granted to her by her said Husband, conform to the Tenors thereof, whilks his Majesty for himself and his Successors, Ratifies and Confirms by thir Presents; *And in likemanner*, his Majesty for himself as King, and as Prince and Stewart of *Scotland*, Duke of *Rothsay*, Earl of *Kyle*, *Carrick* and *Cunninghame*, Lord of the *Isles*, and Baron of the Barony of *Renfrew*, has Ratified, Approven and Confirmed, likeas his Highness by thir Presents, with consent foresaid, Ratifies, Confirms, and Approves the Obligment granted by the said *S. W. R.* and *D. E. S.* his Spouse, and both of them, with one Consent and Assent, and likeways with Consent of divers other Persons therein-named, whereby the said *S. W. R.* with consent foresaid, was bound and obliged to Infeft and Sease the said *S. P. W.* in Liferent, and the said *I. W.* his eldest Son, and his Heirs and Assigneys therein-specified in Fee, *in all and haill* the saids Lands and Barony of *D.* with the Towers, Fortalices, (*here, all the Lands, Salt-Pans, Coals, Coal-heughs, Annualrents, Provostry, Prebandry, and others lying naturally and locally within the Bounds of the said Barony of* D. *or betwixt them, or lying contiguous thereto, and with all other Lands of whatsoever other Name, Holding, or Designation they be of, lying betwixt the saids Lands and Barony of* D. *together with the Priviledge of Commonty and common Pasturage*, &c. *as in the dispositive Clause of the Signature are particularly insert, and then follows*) in real Warrandice and Security to the said *S. P. W.* and his said Son and his foresaids, of the saids Lands of *T.* and others above-expressed, for Warranding of them, and of the saids Lands and others above-written, from troubles and grounds of Eviction, and others at length mentioned in the said Obligment, and during the

the ſpace therein expreſſed. to be holden of the ſaid *S. W. R.* his Heirs and Succeſſors, or from them, of their immediat Superiors, in manner mentioned in the ſaid Obligment, which is of the date the ——— day of ——— years; as alſo the Diſpoſition granted by the ſaid *M. T. H.* to the ſaid *S. T. M.* of the ſaids two Annualrents, dated the ——— day of ——— years, with the Precept of Seaſin therein inſert, and Inſtrument of Seaſin following thereupon, and likeways the Heretable Obligation, dated the ——— day of —— years, granted by the ſaid *S. W. R.* to the ſaid *P. B.* containing the Principal Sum of — Merks *Scots* Money, and Obligment to Infeft in an Annualrent correſponding thereto, Precept of Seaſin therein contained, and Inſtrument of Seaſin following thereupon, *in all and ſundry* Heads, Articles and Clauſes therein-ſpecified, according to the Forms & Tenors thereof, in all Points; *Reſerving* always to his Majeſty, and to his Highneſs Succeſſors, Kings, Princes and Stewarts of *Scotland*, in time-coming, the Duties after-mentioned of the ſaids Lands and Baronies of *D.* and *T.* payable to them, conform to the Tenor of thir Preſents allanerly. And farder, his Majeſty Wills and Grants, and for his Highneſs and Succeſſors, Kings, Princes and Stewarts of *Scotland*, Decerns and Ordains, that this preſent Confirmation of the ſaids Obligations and Diſpoſitions, Precepts of Seaſin therein-inſert, and Inſtruments of Seaſin following thereupon, is and ſhall be als valid, effectual and ſufficient, as if the ſamine were at length, and *de verbo in verbum* herein-inſert, and as if the ſaid Confirmation were granted before taking of the ſaids Seaſins, notwithſtanding of the taking thereof, deceaſe of the ſaid *M. T. H.* and not inſerting thereof, and of the Obligations and Diſpoſitions above-ſpecified in this preſent Confirmation, whereanent, and all other defects and imperfections, which may be objected againſt the validity of the ſaids Obligations and Diſpoſitions, and Seaſin above-ſpecified, with this preſent Confirmation thereof his Majeſty (with advice and conſent foreſaid) for him and his Succeſſors, Kings, Princes, and Stewarts of *Scotland*, has diſpenſed, and by theſe Preſents diſpenſes for ever; *Moreover*, his Majeſty, for himſelf as King, and as Prince and Stewart of *Scotland*, (for good and faithful Services done and performed by the ſaid *S. I. N.* and his Predeceſſors to his Majeſty, and his Highneſs Predeceſſors, Kings, Princes and Stewarts of *Scotland*, in time paſt and for divers others good cauſes and conſiderations moving his Majeſty, of his Highneſs certain Knowledge, proper Motive, and plenitude of his Power,) has of new given, granted and diſponed, and for his Highneſs and Succeſſors, Kings, Princes, and Stewarts of *Scotland*, perpetually confirmed, and by theſe Preſents (with advice and conſent foreſaid,) of new, Gives, Grants and Diſpones, and for his Highneſs and his Succeſſors, Kings, Princes, and Stewarts of *Scotland*, perpetually Confirms to the ſaid *S. J. N.* and to the Heirs-Male of his Body, whilks failzieing, to the Heirs-Female, Procreat or to be Procreat, or Deſcending of his own Body, (the eldeſt always to be preferred, and without diviſion, to ſucceed,) whilks failzieing, to ſuch Perſons one or moe, whilks the ſaid *S. J. N.* has appointed and deſigned, or ſhall appoint, deſign, or ſubſcribe in any Writ by him ſubſcribed or to be ſubſcribed to be Heirs of Tailzie, and to ſucceed to him in the Eſtate above-mentioned, (failzieing Heirs-Male and Female deſcending of his own Body, and with and under ſuch Proviſions, Conditions and Reſtrictions, as to the ſaid *S. J. N.* ſhall ſeem expedient,) which the perſon ſo deſigned, or to be deſigned, ſhall be holden to fulfil and perform, and the ſaid Writ ſhall be als ſufficient, as if the ſame were inſert and ingroſſed herein, and if no ſuch Writ remain or be extant the time of the ſaid *S. J. N.* his deceaſe, or if it ſhall happen to be revocked or altered by himſelf, or if the perſons ſo deſigned, or to be deſigned, fail, then to the neareſt and lawful Heirs-Male whatſoever of the ſaid *S. J. N.* whilks tailzieing, to ſuch perſons, and for ſuch uſes

as the ſaid S. *J. N.* has appointed and deſigned, or ſhall appoint and deſign, by Charter or Writ, ſubſcribed or to be ſubſcribed by him, and with and under ſuch Proviſions and Conditions, which he ſhall think fit, and to him ſhall ſeem expedient, at any time during his Lifetime, and which ſhall be holden and eſteemed als valid, and firm, as if inſert and ingroſſed herein; and failzieing ſuch Deſignation, or being made, and thereafter revocked or cancelled, then, to the neareſt and lawful Heirs and Aſſigneys whatſoever of the ſaid S. *J. N.* Heretably, (the eldeſt Heir-Female ſtill ſucceeding without diviſion, under the Proviſions, Conditions, Declarations, Reſtrictions and Limitations above-mentioned, and no otherways, as alſo with the Proviſion and Reſervation after-ſpecified, introduced and conceived in favours of the ſaid *S. J. N.*) *all and haill* (*here in the* de novo damus, *are the Lands, Lordſhip, Baronies, Teinds, Patronages, Tenements, Annualrents, and what elſe in the diſpoſitive Clauſe of the Signature, both Principal and Warrandice inſert, and then follows*) together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, alswell Petitor as Poſſeſſor, which his Majeſty, his Predeceſſors, or Succeſſors, Kings, Princes, or Stewarts of *Scotland*, had, have, or any ways may have or claim to the ſaids Lands, Lordſhips, Baronies, and others above-expreſſed, or to the Mails, Farms, Profits and Duties thereof, of whatſoever Years, or Terms by-gone, or to come, by reaſon of Ward, Marriages, Releif, Non-entry, Eſcheat, Forefeiture, Diſclamation, Purpreſture, Baſtardy, as Laſt-Heir, Recognition, Want of Confirmation, Amitting and Tyning of the old Evidents, or not Production of the ſame, or new in due time, Acts of Annexation, Revocations general or ſpecial, Diminution of the Rental, or of any other Law, or Title whatſoever, or by vertue of whatſoever Acts of Parliament, or other Acts, Laws, Statutes, or Conſtitutions of the ſaid Kingdom of *Scotland*, made, or to be made in the contrary, or for whatſoever Cauſes, Crimes, or Occaſions by-gone, preceeding the day and date hereof, Renuncing, Transferring, and Over-giving the ſamine, *cum omni actione & inſtantia eurundem jure lite & cauſa*, from his Majeſty, and his Succeſſors, Kings, Princes, and Stewarts of *Scotland*, to, and in favours of the ſaid S. *J. N.* and his foreſaids, now, and in all time-coming, *cum pacto de non petendo*, and with Supplement of all other Faults, Defects, Nullities, and Imperfections, alſwell not named, as named, which his Majeſty for himſelf, and his Highneſs Succeſſors, Kings, Princes, and Stewarts of *Scotland*, will have, as for expreſt in thir Preſents, and Charter aforeſaid; *Providing*, nevertheleſs, that it ſhall be in the Power of the ſaid S. *J. N.* at any time in his own lifetime, *vel in ipſo articulo mortis*, by himſelf alone, without conſent of any of the Heirs of Tailzie above-mentioned, or who are named, or ſhall be named, to Sell, Annailzie, Gift, or Diſpone the whole Lands, Baronies, Teinds, Patronages, Milns, and others above-mentioned, or any part thereof, or any Annualrents, ane, or moe, to be uplifted furth of the ſame, in favours of any Perſon or Perſons, or to any uſe to him ſhall ſeem expedient, and to grant all Writs neceſſary thereanent, which his Heirs-Male, Tailzie, and Proviſion, and his other Heirs whatſoever ſhall be obliged to perform and fulfil. *And alſo*, his Majeſty (with Advice and Conſent foreſaid) for himſelf as King, and as Prince and Stewart of *Scotland*, (for the Cauſes above-recited, and divers other good Cauſes and Conſiderations moving his Majeſty thereunto, of his Highneſs certain Knowledge, proper Motive, and plenitude of his Power) Diſſolves the Lands, Lordſhips, Baronies, Burghs of Barony, Tenments, Tennandries, Patronages, Teinds, and others above-ſpecified, and Principally, and in Warrandice, Diſponed as ſaid is, from all Baronies, and Lordſhips, to which they were formerly annexed, or in which (by the Infeftments above-mentioned) they were united, or whereof they were proper Parts and Pertinents; *And have* United,

ted, Erected, Created, and Incorporat, and by thir Preſents, Unites, Erects, Creats, and Incorporats, *all and ſundry* the foreſaids Lands, Lordſhips, Baronies of *F.* and *C.* and Lands and others above-written, alſwell Principal as in Warrandice, the ſaids Lands, Lordſhip and Barony of *I.* the ſaids Lands and Barony of *T. F.* and *D.* all lying, deſigned, and comprehending in manner foreſaid, and Diſponed to the ſaid S. J. *N.* and his foreſaids, Principally, and in Warrandice, as above-expreſſed, in an haill and free Lordſhip and Barony, to be called now and in all time-coming, the Lordſhip and Barony of *D.* And his Majeſty Wills and Grants, and for his Highneſs, and his Royal Succeſſors, Kings, Princes and Stewarts of *Scotland*, Decerns and Ordains, that an Seaſin now to be taken by the ſaid *S. J. N.* and by his foreſaids, in all time-coming, at the old and ancient Caſtle of *D.* by deliverance of Earth and Stone of the Ground allanerly, ſhall ſtand and be a ſufficint Seaſin to them, for all and ſundry the Lands, Lordſhips, Barony, Burghs of Barony, Tennendries, Patronages, Teinds, Heretable-Offices, and others particularly and generally aboverehearſed, alſwell Principal as in Warrandice diſponed, as ſaid is, & for each part & portion thereof, without any other ſpecial or particular Seaſin to be taken by him or them, at any other part or place thereof, notwithſtanding they ly not contiguous and together, but in divers Sheriffdoms and Juriſdictions; anent which Seaſins, and all that may follow thereupon, his Majeſty for himſelf as King, and as Prince and Stewart of *Scotland*, with advice and conſent foreſaid, has diſpenſed, and by thir preſents diſpenſes for ever, *to be Holden*, and for to Hold, all and ſundry the ſaids Lands, Lordſhips, Baronies, Burghs of Barony, Weekly-Mercats, Yearly-Fairs, with all Tolls, Cuſtoms, Priviledges and Liberties of the ſaids Burghs of Barony, Weekly-Mercats, and Yearly-Fairs, Patronages, Teiths, and others particularly and generally above-mentioned, with the Caſtles, Towers, Fortalices, Mannor-Places, Tennents, Tennendries, Services of free Tennents thereof, Links, Cunningares, and whole remanent Pertinents of the ſamine, all lying as ſaid is, Principally and in Warrandice, as is above-ſpecified, and all formerly unite in the ſaid free Lordſhip and Barony, called the Lordſhip and Barony of *F.* according to the Charter above-written, dated the twenty ninth day of *February* 1664, to the ſaid *S. J. N.* and his foreſaids, of his Majeſty for himſelf as King, and his Royal Succeſſors; and ſicklike, to be Holden, and for to Hold, all and haill the ſaids Lands and Barony of *I.* with Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchyards, Towns, Lands, Milns, Miln-lands, Multures, Ports, Anchorages, Annexes, Connexes, Tennents, Tennendries, Services of free Tennents, Parts, Pendicles, Priviledges & Pertinents thereof whatſoever, lying in manner foreſaid, together with the ſaids Priviledges & Paſturages in the ſaids Muirs adjacent thereto, Offices of Bailliary, and other Immunities & Caſualities whatſoever of the ſaids Lands particularly & generally above-written formely Unite, Erected, Creat, and Incorporat in a Burgh of Barony, free Barony & Sea-port in manner foreſaid, (conform to the Charter above-ſpecified granted to the ſaid S. *P. W.* the 13 *Jan.* 1671) to the ſaid S. J. N. and his above-written, of his Majeſty as Prince and Stewart of *Scotland*, and his ſucceſſors, Princeſſes and Stewarts thereof: And in like manner to be holden, and for to hold all and ſundry the ſaids Teithes, Parſonages and Vicarages of the ſaid Paroch-Kirk and Parochin of *J.* (excepting as is above excepted) together with the ſaid Advocation, Donation and Right of Patronage of the ſaid Paroch-kirk, and all and haill the ſaids two Temple-Lands, with the Manſions, Houſes, Biggings, Yards, Annexes, Connexes, Parts, Pendicles, Priviledges and Paſturages thereof above-expreſt, Office of Bailliary, Liberties, Immunities and Caſualities of the ſame Lands and Office, particularly and generally above-mentioned, to the ſaid S. *I. N.* and his foreſaids, of his Majeſty and his Royal Succeſſors Kings of *Scotland*, and

likeways to be holden, and for to hold, all and haill the ſaids Lands and Barony of *T.* (excepting as is above excepted) all lying as ſaid is, and Annualrents above-mentioned, upliftable furth thereof, to the ſaid *S. J. N.* and his foreſaids, of his Majeſty as Prince and Stewart of *Scotland*; As alſo to be holden, and for to hold the ſaids Lands and Barony of *F.* comprehending the particular Lands, Milns, Woods, Fiſhings, Forreſts, Tennent, Tennendries, Services of free Tennents thereof above-mentioned, lying in the ſaid Parochin of *F.* and Sheriffdom of *F.* together with the Advocation, Donation and Right of Patronage of the ſaid Church of *F.* Teinds, Parſonage and Vicarage of the ſame, to the ſaid *S. J. N.* and his above-mentioned, of his Majeſty for himſelf as King, and his Royal Succeſſors, and in like-manner, to be holden, and for to hold the ſaid Lands and Barony of *D.* with the Towers, Fortalices, Milns, Multures, Dove-coats, Cunningares, Tennents, Tennendries, Services of free Tennents, Coves, Salt-pans, Coals, Coal-heughs, Lime and Stone, Parts, Pendicles and Pertinents thereof whatſoever, lying in manner foreſaid; and the ſaids Lands of *Thr.* &c. and other Lands, Tenements, Annualrents, Teiths, Fruits, Rents, Emoluments, and Duties above-ſpecified, pertaining and belonging to the ſaid Colledge-Kirk of *D.* Provoſtry and Prebandries thereof, and the ſaids other Lands, Priviledges and Paſturages diſponed in Warrandice of the ſaid Barony of *T.* as ſaid is, to the ſaid S. *J. N.* and his above-ſpecified, of his Majeſty —— and all in Fee, Heretage, Free-Lordſhip, Free-Barony, and Free-Burghs of Barony for ever, by all Rights, Meiths and Marches of the ſame, old and deviſed, as they ly in length and breadth, in Houſes, Biggings, *&c.* Milns, Multures, *&c.* Hawking, Hunting, Fiſhings, *&c.* with Courts, Plents, Herezalds, Bloodwits, *&c.* Outfang-Theif, Infang-Theif, Pit, Stocks and Gallows, *&c.* with common Paſturage, free Iſh and Entry, and with all and ſundry other Liberties, Commodities, Profits, *&c.* freely, quietly, *&c.* but revocation; *Giving* yearly the ſaid S. *J. N.* and his foreſaids, to his Majeſty and Succeſſors Kings of *Scotland*, the Blench-duties and Feu-duties *reſpectivè* underwritten, *viz.* for the ſaid old or ancient Lordſhip and Barony of *D.* containing and comprehending the particular Lands, Baronies, and others above-mentioned, which were formerly divided in three parts as above-mentioned, and now are divolved and eſtabliſhed in the perſon of the ſaid S. *J. N.* for the ſaids Lands of *O.* alias *F.* with theirs above-mentioned, for the ſaid Annualrent of —— yearly, upliftable furth of the ſaids Lands of *O.* for the ſaids Lands of *C.* alias Q. with the Pertinents, and for the ſaids other Lands and others above-ſpecified, (excepting the Lands above and unwritten) an red Roſe at the Feaſt of *John* the Baptiſt, at the Tower, Fortalice, and Mannor-place of *F.* above-ſpecified, in name of Blanſh-Farm, if it be asked allanerly, for the ſaids Lands and Tennendry of *N.* comprehending the Lands, Tenements, Acres, Churches, Teiths, and others above-expreſt; the Sum of 26 Pounds and 8 Shilling Money of *Scotland*, as an part of the Blanſh-Farm-Duty, contained in the Infeftment of Erection granted to umquhile *J. E.* of *M* of the Abbacy of *D.* erected in the Barony of *C.* at the Feaſt of *W.* in name of Blanſh-Farm; and likeways paying to the Miniſters ſerving the Cure at the Church of *G.* now called *D.* from time to time, for their certain and conſtant Stipend, an Chalder of Wheat, two Chalders of Oats, an Chalder of Bear, and an hundred merks of Money, with the Manſion and Gleib of the Vicar at the ſaid Church, at the Terms uſed and wont, and relieving the ſaids Miniſters ſerving the Cure at *D.* of the ſaid Kirk, and the Heirs and Succeſſors of the ſaid *E.* of *M.* of all Taxations and Impoſitions whatſoever, to be impoſed upon the Teiths, Fruits, and Rents of the ſaid Paroch of *C.* now called of *D.* or for Reparation of the Kirk thereof, for the ſaids Lands called *Friarland* of *D.* extending as ſaid is, with the Tenement and Yard adjacent thereto, and

their

their Pertinents, the Sum of 20 pounds 3 ſhilling 4 pennies money foreſaid, at two Terms in the year, *W.* and *M.* in Winter by equal portions, in name of Feu-duty, and the Heirs aforeſaid of the ſaid S. *J. N.* doubling the ſaid Feu-duty the firſt year of their Entry to the ſaid Lands, as uſe is, of Feu-farm allanerly: And his Majeſty for himſelf and Succeſſors Kings of *Scotland*, (with Conſent foreſaid) Decerns and Ordains that the not payment of the ſaid Feu-duty by the ſpace of two or moe years, ſhall be no cauſe or ground of Reduction, or annulling of the ſaid Feu Infeftment of the ſaids Lands of *Friarlands*, with the pertinents, notwithſtanding of the Act of Parliament made in the Month of *December*, 1597. or of whatſoever Acts, Laws, Statutes, or Conſtitutious made or to be made in the contrary; *Whereanent* his Majeſty for himſelf and his Succeſſors, (with Conſent foreſaid) diſpenſes for ever, but prejudice nevertheleſs to his Majeſty and Succeſſors, and their Officers to Poind and Diſtrenzie for the ſaids Feu-duties, yearly and Termly, as accords, for the ſaid Burgh of Barony of *D.* weekly Mercats and yearly Fairs thereof, with all Liberties, Priviledges, Immunities and Caſualities pertaining and belonging thereto, an penny *ſcots* Mony, at the ſaid Tower, Fortalice and Mannor-place of *F.* yearly, at the Feaſt of *W.* in name of Blench-farm,) if it be asked allanerly, for the ſaid Barony of *C.* comprehending the Lands and others above-expreſt, diſponed in Warrandice as ſaid is, after Eviction of the Lands and others above-written, in Warrandice whereof they are diſponed an Silver penny Mony of *Scotland* at the Feaſt of *W.* in name of Blanſh-farm if it be asked allanerly, for the ſaid Advocation, Donation, and Right of Patronage of the ſaid Kirk of *D.* Rectory and Vicary, or Parſonage and Vicarage thereof, with all and ſundry Teinds, Fruits, Rents, Emoluments and Duties appertaining thereto, one penny Mony above ſpecified, at the Feaſt of *W.* upon the ground of any part of the ſaids Lands and Barony of *F.* in name of Blenſh Farm) if it be asked allanerly, for the ſaid Tenement of Land, with the Yard and Pertinents thereof, upon the north ſide of the Town of *D.* at the Eaſt end of the Town Green thereof, bounded as ſaid is, and for the ſaids eight Aikers of Land called *&c.* the Sum of 8 ſhilling Mony foreſaid, at the ſaids two Terms of the year, *W.* & *M.* in Winter by equal portions, in name of Feu-duty, for the ſaids two Aikers of Arrable Land lying, and bounded as above-expreſt, the Sum of 10 *d.* Mony above-written, at two Terms of the year *W.* and *M.* in Winter by equal portions; together with all Services, Preſtations and Cuſtoms uſed and wont, to the Superiors thereof, in name of Feu Farm allanerly, and for the ſaids Teinds great and ſmall Parſonages and Viccarages of the ſaids Lands now commonly called *F.* and which of old were called Eaſter *S.* with Parts, Pendicles and Pertinents thereof, one penny Mony foreſaid upon the Ground thereof at the Feaſt of *W.* in name of Blenſh Farm, if it be required allanerly, for all and haill the ſaids Lands and Barony of *I.* with the Towers, *&c.* Towns, Lands, Mains, Miln, Miln Lands, Multures, Ports, Anchorages, Annexes, Connexes Tennents, Tenendries, Services of free Tennents, Parts, Pendicles, Priviledges and Pertinents of the ſame whatſoever, lying as ſaid is, together with the ſaids Priviledges and Paſturages of the ſaids Muirs adjacent thereto, and for the ſaid Office of Bailliary of the ſaids Lands and Barony of *I.* and other Liberties, Immunities and Caſualities of the ſaids Lands whatſoever, particularly and generally above-written, formerly United, Erect and Creat in the ſaid Burgh of Barony, free Barony and Sea-port in manner foreſaid, conform to the Charter above-ſpecified, granted to the ſaid *S. P. W.* 13 *January* 1671. *And ſicklike* for the ſaids Lands and Barony of *T.* and others particularly and generally above-mentioned, Unit and Erect in the Barony thereof, in manner foreſaid, conform to the Charter above-written, granted to the ſaid Umquhile S. *P. W.* dated the 11 of *July* 1670. (excepting as above ex-

cepted (to his Majeſty and his Highneſs Succeſſors Princes and Stewarts of *Scotland*, the Sum of Eight pounds, Mony of the ſaid Realm of *Scotland*, and that at the Feaſt of *W.* yearly, upon the Ground of the ſaids Lands, in name of Blanſh Farm if it be asked allanerly: *Notwithſtanding* that the ſaids Lands and Baronies of *I.* and *T.* containing and comprehending as ſaid is, were formerly holden by the Authors and Predeceſſors of the ſaid S. *J. N.* in Taxt-ward, for payment of the Taxt Value, or Duty of the Ward, Relief, Nonentry and Marriage mentioned in the Charters and Infeftments granted to the ſaid deceaſed S. *P. W.* and his Son of the ſame, in reſpect his Majeſty for himſelf, as King, and as Prince and Stewart of *Scotland*, Duke of *Rotchſey* and *Albany*, Earl of *Kyle*, *Carrick* and *Cunninghame*, Lord of the *Iſles*, and Baron of the Barony of *Renfrew*, (with Advice and Conſent foreſaid) of his Highneſs certain Knowledge, proper Motive and Kingly Power, and of his Majeſties Royal Bounty and Munificence, for the Fidelity, Integrity and Affection of the ſaid S. *J. N.* to his Majeſty, and to his deareſt Father, and to his Majeſties Service and Intereſt, expreſſed and evidenced by the ſaid S. *J. N.* with great Conſtancy and Sincerity in times of great Difficulty and Peril; *And alſ* in reſpect when his Majeſties moſt ſerene and deareſt Brother *Charles* the ſecond of moſt Renowned Memory, called him from a Station of great Emolument, Benefice and Action, to be his Majeſties Advocat, and one of his Secret Council, and one of the Senators of the Colledge of Juſtice, and one of the Commiſſioners of his Majeſties Exchequer, and for him an full and comfortable ſpokſ-man, and for ſome years ſerved his ſaid Majeſties Brother in the ſaids Offices, with Reputation and Fidelity, to the great Satisfaction als well of his Majeſties Brother, as of his Highneſs Subjects, untill old age obliged him to give place, and give over, and Dimit theſe Offices: And upon the Conſiderations above-mentioned, to eſtabliſh a Teſt and Mark of his Majeſties Grace and Favour upon him, and in like manner, *In reſpect* that his Majeſties Brother *Charles* the ſecond of Bleſſed Memory, by Signature under his Royal Hand, dated at *Winſor Caſtle*, the 19 day of *June* 1684. granted Warrand for expeding a Charter under his Highneſs Great Seal of the ſaid Kingdom, of the Tenor of thir Preſents, and containing a Change of the Holding of the Lands, Baronies, and others above-mentioned, from Taxt Ward to Blanſh Farm, in manner above-written: *Therefore*, *Our* ſaid *Soveraign Lord* has altered and changed, and by thir Preſents, for his Majeſty himſelf, as King, and as Prince and Stewart of *Scotland*, for his Highneſs and his Succeſſors, Kings, Princes and Stewarts of *Scotland*, alters and changes the ſaid firſt and former manner of Holding of the Lands, Baronies and others above-rehearſed, from Taxt Ward to an Blanſh Farm Duty, now and in all time coming, *to be holden* of his Majeſty, and his Highneſs Succeſſors, Kings, Princes and Stewarts of *Scotland*, in Free Blanſh Farm, for payment of the Blanſh-duty above-mentioned as ſaid is, allanerly: *And* for the ſaids Annualrents of —— and —— and for the ſaid Annualrent of —— and for the ſaid other Annualrent of —— the Sum of three pennies Mony of *Scotland* yearly, upon the Ground of any part of the ſaids Lands and Batony of *T.* at the Feaſt of *W.* in name of Blanſh Farm, if it be asked allanerly, and for the ſaid Teind-ſhaves, and Parſonages, and Viccarages of the ſaid Paroch Church and Parochin of *I.* with the Advocation, Donation, and Right of Patronage thereof, one penny uſual Mony of *Scotland*, at the Feaſt of *W.* in name of Blanſh Farm, if it be asked allanerly; *And likeways* paying to the Miniſter, ſerving the Cure of the ſaid Church and his Succeſſors the yearly modified Stipend, and relieving the Earl of S. of the Elements for Celebration of the Sacrament, and maintaining a Cell at the ſaid Kirk, and of all Taxations and Impoſitions impoſed, or to be impoſed, and of the Stipend of the Miniſter ſerving the Cure at the ſaid Church, but prejudice to the ſaid S.

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J. N. of the Relief, for Warrandice competent againſt the ſaid *I. W.* by vertue of the Obligment contained in the Diſpoſition above-mentioned, by which he is obliged to warrand the ſaids Teinds of all future Augmentations, Miniſters and School-maſters Stipends, and from all Annuities of Teinds payable to his Majeſty, or his Highneſs Donators, and of all Contribution Mony payable to the Lords of Council and Seſſion, out of the Teinds of Abbacies, and proportional part of the other Duties payable to his Majeſty for the ſaids Teinds, and of the *Reddendo* contained in the proper Infeftment of the ſaid *I. W.* or in the Infeftment of the Earl of *S.* or in the Infeftments granted to the ſaid Umquhil Earl of *D.* or to *S. A. H.* by which they are obliged to relieve the Earl of *A.* and his Succeſſors in the Right of the Lordſhip of *P.* in the particulars above-mentioned, and from all other Impoſitions and Burdens, and all evictions of the ſaids Teinds, or any part thereof, which thereafter might fall out, by whatſomever Law or Statute made or to be made albeit, in time-coming; *Excepting* allanerly the particulars ſpecially mentioned in the ſaid Diſpoſition, *And* for the ſaids two Temple-Lands, with the Priviledges and Pertinents, and Office of Bailliary thereof above-rehearſed, the Sum of 3 Shilling 4 Pennies, at two Terms in the Year, *W.* & *M.* in Winter, by equal Portions, in name of Feu-duty allanerly, and that for releif of the Lord *T.* of ſo much of the Feu-farm-duty, due to his Majeſty and his Highneſs Succeſſors out of the Lordſhip of *T.* of which Lordſhip the ſaids Temple-Lands are proper Parts, if the ſaid Lord *T.* ſhall not pay the haill Feu-farm-duties of the ſaid Lordſhip; *Providing* always, that ſo long the ſaid Lord *T.* and his Succeſſors make Payment of the Feu-farm-duty of the ſaid Lordſhip (and ſo relieve the ſaid *S. J. N.* and his foreſaids thereof,) they ſhall not be bound or obliged in payment of the ſaid Feu-farm-duty; *And farder*, the Heirs and Succeſſors of the ſaid *S. J. N.* doubling the ſaid Feu-farm-duty the firſt year of their entry to the ſaids Temple-Lands, as use is of Feu-farm, and for the ſaids Lands and Barony of *F.* comprehending and diſponed in Warrandice of *I.* in manner foreſaid, and for the Advocation, Donation, and Right of Patronage of the Church thereof, (after eviction of the Lands, Barony and other foreſaids principally diſponed,) the Sum of 3 Pennies Money above-written yearly at the Feaſt of *W*, in name of Blanſh-farm, if required allanerly; and for the ſaids Lands and Barony of *D.* Priviledges and Pertinents thereof above-ſpecified, diſponed in Warrandice of the ſaid Barony of *T.* in manner above-written (after eviction of the Lands, Barony, and others principally diſponed,) an Silver-penny at the Town of *D.* at the Feaſt of *W.* yearly, in name of Blench-Farm, if it be asked allanerly, and that for all other Burden, Exaction, *&c.* *And laſtly*, his Majeſty faithfully Promiſes, *in verbo principis*, to obtain the ſaid Charter, with the Precept of Seaſin therein-contained, and Inſtrument of Seaſin to follow thereupon, in his Highneſs firſt Parliament within his Majeſties Kingdom of *Scotland*, to be ratified by his Majeſty, with conſent of the Eſtates thereof. And Ordains the ſaid Charter, with his Majeſties Declaration of his Will and Pleaſure therein-contained, to be a ſufficient Warrand for that effect. And that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in form as effeirs. *Given at his Majeſties Court at* Whitehall *the firſt day of* May 1685, *and of the Reign the firſt year.*

Two things in this I cannot paſs, 1. *That (as this perſon was a Gentleman by extract,) ſo by his Education and Vertues (from no great Patrimony,) he made a great Figure and riſe in the World; he was the Kings Advocat, one of the Senators of the Colledge of Juſtice, one of the Lords of his Majeſties Privy Council and Exchequer, a great Juſtitiar, and could not be byaſſed, Charitable at will, and generally Good and Religious,*

and left an opulent Fortune behind. The second thing I observe is, that Parents are not only Happy, Wise, and Religious, in educating their Children (albeit with the less Patrimony,) because by Education (attended with Loyalty) Men become useful in Church and State, and in process of Time, made capable of the highest Dignity, Civil or Military, that any (of a Subject) can rationally propose; and therefore let all Parents imitat this Gentlemans Parents in the Education of their Children, both for Conscience sake (out of a Religious sense) and likewise through the Natural Obligation and Tye that lyes upon them, and not without Hope, but their Children (tracing this Gentlemans Vestiges) may live a comfortable Life, if not attain in less or more, to the effects of his or like Virtues, Atcheivments, and Preheminencies. And the honour and respects I had for this most worthy Gentleman, and the kindness he had for me (for many years, albeit not his Writer) obliged me to this peice of Gratitude, not but his own Works do far transcend all I can say, or write of him.

SIGNATURE in favours of M. *Countess of* R. *in Liferent, and of* J. *Lord* L. *her eldest Son in Fee, and Heirs-Male of his Body, whilks failzieing, of the other Heirs-Male & of Tailzie after-specified; and contains many Reservations, Provisions, Conditions, Restrictions, Limitations, and a faculty and power to Burden the Estate with a competent Sum for the Ladies honourable Affairs; it contains new Erections, Burgh of Barony, Weekly Mercats, Yearly Fairs, Patronages, Heretable-Office of Sheriffship, all manner of Holdings, and distinct* Reddendoes, *and several good and choice Clauses, but all tending to the standing & perpetuity of the Family & Estate in the name of* L. *& continuance of the Arms and Cognizance thereof; and withall, should these Heirs, or their Husbands not assume the Sirname and Arms, or afterwards change; as they amit and lose the benefit of the Succession, and divolve upon the next, so there is a Caution against that Irritancy, should they succeed to another Estate of another Name, and what in that case to be done.*

OUR SOVERAIGN LORD, with the special Advice and Consent of (*here all the Consents were Insert according to the Constitution of the Exchequer, by Lords of the Thesaury and other Lords of Exchequer, and then follows*) Ordains an Charter to be made and past under his Majesties Great Seal of the said Kingdom, in due and competent Form, Giving, Granting and Disponing, and for his Highness and his Royal Successors perpetually Confirming; Likeas his Majesty (with Consent foresaid) by thir presents, Gives, Grants and Dispones, and for his Highness and his Successors aforesaid, perpetually Confirms to his Majesties most beloved Cousin *M.* C. of *R.* and *H, &c.* in Liferent, during all the days of her Lifetime, and to *J.* Lord *L.* her eldest lawful son, procreat betwixt her and the deceassed *C.* E. of *H.* her Husband, and to the Heirs-male, or eldest Heir-female to be procreat of his Body, whilks failzieing to the other Heirs-male lawfully procreat betwixt the said umquhile *C.* E. of *H.* and *M.* C. of *R.* and to the Heirs-male or eldest Heir-female lawfully to be procreat of their Bodies; whilks failzieing, to the other Heirs-male lawfully to be procreat of the said C. of *R.* her Body of any other Marriage, and to the Heirs-male, or eldest Heir-Female of their Bodies; whilks failzieing, to the eldest lawful Daughter, or Heir-Female to be lawfully procreat of the said *C.* her Body, and to the Heirs-male, or eldest Heir-Female lawfully to be procreat of their Bodies; whilks failzieing, to *C. M.* of *M.* sister-german of the said *C.* of *R.* and to the Heirs male, or eldest Heir-Female lawfully procreat or to be

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procreat of her Body, (the immediat eldeſt Heir-Female and her Heirs failzieing in all theſe Caſes, and without diviſion ſtill ſucceeding *ſucceſſivè*;) whilks failzieing to M. *F. M.* Brother-german to the Earl of *E.* and to the Heirs-male lawfully procreat or to be procreat of his Body; whilks failzieing, to *J. L.* of *N* and to the Heirs-male lawfully procreat or to be procreat of his Body; whilks failzieing, to the ſaid *M. C.* of *R.* her neareſt and lawful Heirs-Male whatſomever; whilks all failzieing, to her other Heirs and Aſſigneys whatſomever Heretably, (the eldeſt lawful Daughter or Heir-Female *ſucceſſivè* ſtill ſucceeding without diviſion, and with and under the haill Reſervations, Burdens, Conditions, Proviſions, Reſtrictions, Limitations and Qualifications reſpective after-mentioned,) *all and haill* the Honour, Title and Dignity of *R.* and all and ſundry the Earldom, Lands, Lordſhip, Baronies, Teinds, and others particularly and generally under-written, *viz.* All and haill the Lands and Barony of *B.* (*here many Lands, Baronies, Fiſhings, Ferry, and Ferry-Boats, Patronages of Kirks, Chaplainries and Prebendries, and others lying within ſeveral Sheriffdoms, North and South, and within the* Stewarty *of* F. *are inſert, and then follows*) all unite, annexed and incorporat in an haill and free Barony, called the Barony of *B. and then there follows*, many other Lands, Fiſhings, Iſles, with the Teinds of the ſaids Iſles and Fiſhings included, as never to be ſeparat from the Stock, Baronies comprehending divers Lands, with four yearly free Fairs, each of them to continue for two days, and the Office of Sheriffſhip of the Sheriffdom of *F.* within the haill Bounds thereof, with all and ſundry Fees, Sallaries, Profits, Emoluments and Duties of the ſaid Office, Faculties, Priviledges, and righteous Pertinents whatſomever belonging to the ſaid Office, with ſpecial and full Power to appoint, begin, affirm, hold, and how oft need beis, to continue the Courts of the Sheriffdom of *F.* within the haill Bounds, Limits, and Marches thereof, upon all Subjects, alſwell within the Stewarty of *F.* as within the Bounds of the Sheriffdom thereof, alſwell abiding as Inhabitants for ſerving of Breives to an Terce of Diviſion, Cognition of Land, by Caption, Appryſing of Lands, and Deciſion of all other Actions, together alſo with full Power to the ſaid *C.* of *R.* and to *J.* Lord *L.* and their foreſaids, by themſelves and their Deputs, to ſearch, ſeek, and apprehend all and ſundry Vagabonds, Sorners, and other Idle and Randie-Beggers, and all Theives, and Airt and Pairt of Theft reſiding within the ſaid Sheriffdom, and the ſaids perſons apprehended, to put them to the knowledge and cognition of an Aſſiſe, and to adminiſtrat Juſtice upon them, conform to Laws of the ſaid Kingdom of *Scotland*, and to uplift the Eſcheats of the perſons condemned, falling how oft they occur, and to apply the half thereof for the uſe of the ſaid *C.* of *R.* and of *J.* Lord *L.* and their foreſaids; with Power in like-manner to them and their foreſaids, to creat and ſubſtitute Deputs, Clerks, Serjants, Dempſters, and all other Officers and Members of Court neceſſary (for whom they ſhall be holden to anſwer,) and generally to do all other things, which are particularly and generally mentioned in the Charter under the Great Seal, granted by his Majeſties moſt ſerene Grandfather King *James* the ſixth of bleſſed Memory, to umquhile *J.* Lord *L.* dated the 14 day of *January* 1600. (*after this there followed ſeveral other Lands, Weekly Mercats, and then it bears*) whilk Title of Honour, Dignity, and haill Lands, Baronies, Rights of Patronages, Milns, Woods, Fiſhings, Burgh of Barony, free Fairs, Weekly Mercat, Dwelling-houſe, Teinds, Annualrents, Office of Sheriffſhip of *F.* and others particularly and generally above-mentioned, are all unite, annexed, creat, erected and incorporat in an haill and free Barony, Lordſhip, and Earldom, to be called now and in all time coming, the Barony, Burgh of Barony, Lordſhip of *L.* and Earldom of *R.* conform to an Charter granted by his Majeſties deareſt Brother *Charles* the ſecond of bleſſed Memory, in favours of *J.*

D. of *R.* dated at *Whitehall* the 4 day of *June* 1663. And likeways all and haill the Lands and Barony of *C.* called ——, with the Mannor-place, Houſes, Biggings, *&c.* lying within the Regality of *D.* and Sheriffdom of *F.* as alſo, all and haill the Teinds great and ſmall, alſwell Parſonage as Vicarage, of all and ſundry the ſaids Lands & Barony of *C.* alias *L. C.* comprehending the particular Lands and others above and under-written, with the Pertinents, *viz.* (*here the Lands immediatly above-written were* de novo *inſert, and the reaſon afterwards appears, and there is added*) with the Advocation, Donation and Right of Patronage of the Paroch and Paroch-Church of *K.* with all Benefits, Emoluments, Caſualities and Priviledges thereof, lying within the Parochin of *K.* Regality of *D.* and Sheriffdom of *F.* foreſaid. *And ſicklike*, by a Charter under the Great Seal, of the date at *Whitehall* the 12 day of *March* 1667, granted in favours of the ſaid umquhile *D.* of *R.* the ſaids Teinds, Parſonage and Vicarage and Patronage *reſpectivè* above-written, are diſſolved from the ſaid Lordſhip and Regality of *D.* the Crown and Patrimony thereof, and from all other Lordſhips, Dignities and other Benefices to which they were formerly annexed, and the ſame for the future annexed to the ſaids Lands and Barony of *C. L.* and the ſaids Teinds included with the Stock, and decerned never again to be ſeparat therefrom for the future; and by the ſaid Charter, the ſaids haill Lands and Barony of *C. L.* alias *L. C.* comprehending the Lands and others above written, together with the Advocation, and Right of Patronage of the Paroch-Church of *K.* with the Teinds, Parſonage and Vicarage of the ſaid Barony, of new unite, annexed, creat and incorporat in an haill and free Barony, to be called now and in all time-comeing, the Barrony of *C. L.* (*after this ſome more Lands followed, and the ſaid Barony immediatly above-written, with the Teinds and Patronage included, and bears in fine*) all unite and annexed to the ſaid Earldom of *R.* Lordſhip and Barony of *L.* conform to the Infeftments and Rights thereof *reſpectivè*, granted by the ſaid King *Charles* the Second, in favours of the ſaid *I. D.* of *R.* thereupon, under the Great Seal, Whilks Title of Honour, Lands, Earldom, Lordſhip, Baronies, Burgh of Barony, Fairs, Weekly Mercats, Rights of Patronage, Teinds, Office of Sheriffſhip, and others reſpective above-written, with the Pertinents, pertained Heretably of before to the ſaid *M. C.* of *R.* as eldeſt lawful Daughter and Heir of Tailzie and Proviſion of the ſaid *J. D.* of *R.* Lord high Chancellor of his Majeſties Kingdom of *Scotland*, ſerved and retoured, to be holden of his Majeſty and his Succeſſors, as immediat Superiors thereof, and whilks were by her, with conſent of the ſaid umquhile *C.* Earl of *H.* her Husband for his Intereſt, and their lawful Procurators in their Names, to that effect ſpecially conſtitute, and Patent Letters duely and lawfully reſigned in the Hands of his Majeſties Lord high Theſaurer and Theſaurer-Deput for the time, and of the remanent Lords of his Highneſs Exchequer, his Majeſties Commiſſioners having his Highneſs Power to receive Reſignations, and thereupon to grant new Infeftments at *Edinburgh* the 18 day of *January* 1674. in favours and for new Infeftment of the ſamine, to be made and granted to the ſaid *M. C.* of *R.* and to the ſaid umquhile *C.* Earl of *H.* her Husband, and to the longeſt liver of them two in Liferent, during all the days of their lifetime, and to the ſaid *J. L.* of *L.* and to his Heirs Male, or eldeſt Heir Female of his Body, whilks failzieing, to the other Heirs Male Tailzie and Proviſion *reſpectivè* and *ſucceeſſivè* above-mentioned, reſerving always to *A. D.* of *R.* her Liferent of ſo much of the ſaids Lands and others above-written, with the Pertinents, as are provided to her by the ſaid *J. D.* of *R.* her Husband, conform to her Rights and Infeftments thereof, during all the days of her lifetime; and with this Proviſion and Declaration, nevertheleſs, as by thir preſents it is ſpecially provided and declared, that it ſhall be always lawful to the ſaid *M. C.* of *R.* at any time in her own lifetime, by her ſelf alone, without the conſent of the ſaid

J.

J. L. of *L.* her Son, and his foreſaids, or of the other Heirs of Tailzie and Proviſion *riſpectivè* above-mentioned, or any of them, not only to ſell, annailzie, and diſpone, or impignorat any part of the ſaids Lands and Eſtate irredeemably, or under Reverſion, or Annualrents to be uplifted furth thereof, for payment of the Debts and Sums of Money due and reſting by her, contained in a Schedul, or Liſt and Inventar thereof, ſubſcribed or to be ſubſcribed by the ſaid *C.* and of all other Debts and Sums of Money which ſhall hereafter appear or emerge, due by the ſaid *D.* of *R.* alſwell of thoſe which by legal Sentences are already or hereafter ſhal be eſtabliſhed, as of thoſe which already are or hereafter by Tranſaction or Compoſition ſhall be componed by the ſaid *C.* of *R.* as alſo, to contract, burden, and affect the ſaids Lands and Eſtate, or any part thereof, with the Sum of —— Money of his Majeſties Kingdom of *England*, for the ſaid C. her honourable Affairs and Occaſions, as to her ſhall ſeem expedient; and ſicklike, to enter and receive the Tennents and Vaſſals of the ſaids haill Lands and Eſtate, and to ſet Tacks thereof for the ſaid C. her lifetime, and —— years thereafter, or to give out the ſame in Feu-farm, or any other manner of way, at an juſt worth and avail as accords, providing that the price of the ſaids Feus ſhall be applyed and diſpoſed of for payment of the ſaids Debts, contained in the ſaid Inventar, or of the ſaid Sum of —— *Sterling*, with which ſhe is in power to affect and burden the ſaid Eſtate, and upon the whole Premiſſes *reſpectivè*, to make, grant, ſubſcribe and deliver all Contracts, Obligations, Diſpoſitions, Charters, Infeftments, Aſſedations, Rentals, and other Rights and Securities requiſite thereanent by the ſaid C. her ſelf, without conſent of the ſaid *J.* Lord *L.* her Son, and his foreſaids, or of the remanent Heirs-Male and of Tailzie *reſpectivè* above-ſpecified, or any of them as ſaid is, notwithſtanding of the Fee thereof above-provided, ſicklike and als freely in all reſpects, as if the ſaid Fee had not been provided to the ſaid *J.* Lord *L.* her Son and his foreſaids, and failzieing of them to the other Heirs-Male and of Tailzie above-mentioned; and whilks Deeds, Rights and Securities reſpective above-ſpecified, ſo to be made and granted by the ſaid C. in the Premiſſes in manner foreſaid, the ſaid *J.* Lord *L.* her Son and his foreſaids, whilks failzieing as ſaid is, ſhall not only be holden and obliged to obſerve, obtemper and fulfil according to the form and tenor thereof, but alſo not only to ſatisfie and pay all the ſaids Debts contained in the ſaid Inventar, and others in manner above-mentioned, but likeways the ſaid Sum of —— *Sterling*, with which the ſaid C. has power to burden the ſaids Lands and Eſtate in manner foreſaid, (at leaſt ſo much thereof with which it ſhall happen the ſaid C. to contract and to burden the ſaid Eſtate,) ſicklike and in the ſame manner as if the ſaid *J.* Lord *L.* or his foreſaids were Served and Retoured Heirs in the ſaid Eſtate to the ſaid *M. C.* of *R.* providing that the ſaid power and Faculty reſerved to her be without prejudice to the ſaid *A, D.* of *R.* her mother, of her Liferent above-reſerved to her any manner of way; *And in like manner* with this Proviſion and Declaration alwiſe, likeas it is hereby ſpecially Provided and Declared, that if (failzieing Heirs of the ſaid *I.* Lord *L.* his Body) *M.T. H.* his Brother, Heir of Tailzie, and Succeſſor in the Dignity and Eſtate of *H.* to the ſaid Umquhile *C. E.* of *H.* or his Heirs ſhall happen to ſucceed to the ſaid Eſtate, Title and Dignity of *R.* then, and in that caſe the ſaid *M. T. H.* and his Heirs ſo ſucceeding to the ſaid Eſtate, Title and Dignity of *R.* ſhall be holden and obliged to denude themſelves of the ſaid Eſtate, Title and Dignity of *H.* and if entered, to Reſign the ſame, and if not entered, to enter therein, & reſign and to denude themſelves of the ſaid Eſtate, Title and Dignity of *H. omni habili modo*, in favours of *M. C. H.* his youngeſt Brother (procreat betwixt the ſaid C. of *R.* and the ſaid umquhile *C. E.* of *H.*) and of the Heirs of his Body; whilks failzieing, in favours of the remanent Heirs of Tailzie and Proviſion,

contained in the Infeftments of the ſaid Eſtate of *H.* *And farder*, that if (failzieing Heirs-Male of the ſaid *J.* Lord *L.* his Body) his eldeſt Daughter *ſucceſſivè* by vertue of this preſent Tailzie, ſhall happen to ſucceed to the ſaid Eſtate, Title and Dignity of *R*; and if by event, the ſaid eldeſt Daughter of the ſaid Lord *L.* *ſucceſſivè*, or any other Daughter of his ſaid Brethren ſo ſucceeding to the ſaid Eſtate, Title and Dignity of *R.* ſhall alſo happen to ſucceed to the Eſtate and Dignity of *H.* then and in that caſe, the ſaid Daughter and her Heirs ſo ſucceeding to both the ſaids Eſtates and Dignities, ſhall be holden and obliged to reſign and to denude themſelves *omni habili modo* of the ſaid Eſtate and Dignity of *H.* (whenſoever they ſhall happen to ſucceed thereto) in favours of the Siſter immediatly younger *ſucceſſivè*, and of the Heirs of her Body, whilks failzieing, in favours of the other Heirs of Tailzie and Proviſion, contained in the Infeftments of the ſaid Eſtate of *H.* *Providing* that the ſaids Rights and Reſignations reſpective of the ſaid Eſtate, Title and Dignity of *H.* to be made and granted by the ſaid M. *T. H.* or by the ſaid eldeſt Daughter *ſucceſſivè*, or their Heirs ſo ſucceeding to the ſaid Eſtate, Title and Dignity of *R.* in favours of any other Brother or Siſter neareſt and immediat younger, and their foreſaids, in manner and in the caſes reſpective above-written, be made and granted with and under the Condition, Proviſion and Reſtriction to Marry, and to bear the Name and Arms. and with and under the haill other Conditions, Proviſions, Reſtrictions, Limitations and Qualifications, contained or to be contained in the Infeftments of the ſaid Eſtate of *H.* *As alſo*, with this Proviſion, that the ſaid M. *T. H.* or any other of his Brethren, or the ſaid eldeſt Daughter *ſucceſſivè*, and their Heirs ſo ſucceeding to the ſaid Eſtate and Dignity of *R.* and denuding themſelves of the ſaid Dignity and Eſtate of *H.* in manner and in the caſes above-written, are and ſhall be free and altogether liberat of the haill Debts and Burdens of the ſaid Eſtate of *H.* and ſhall no ways repreſent the E. of *H.* & ſhall be ſufficiently liberat, ſecured & relieved of all their Debts and Burdens which the ſaid Son or Daughter ſhal happen to ſatisfie or pay, before they be holden and obliged according to the Proviſion and Obligment above-ſpecified, to diveſt themſelves of the ſaid Eſtate and Dignity of *H*, in favours of the Brother or ſecond Siſter, or immediat younger for the time exiſting, and of the Heirs of Tailzie and Proviſion foreſaid; and that the ſaid Son or Daughter, and their Heirs, ſo obliged to diveſt themſelves as ſaid is, in favours of the ſecond or neareſt immediat and lawful Brother or Siſter, and their foreſaids, diveſt and denude, with the burden of the ſaid remaining Debts of the ſaid Family of *H.* and with which the ſame ſhall always remain affected, and that the ſaid ſecond or younger Brother or Siſter, and their foreſaids, ſhall be bound and obliged, and by the acceptation of thir Preſents, Bind and Oblige them to relieve the ſaid M. *T. H.* or any other his Brother, and the ſaid eldeſt Daughter *ſucceſſivè*, and the Heirs of their Bodies ſo denuding in manner foreſaid of the ſaids remaining Debts, and to grant all kind of Security, alſwell perſonal as real for that effect to them, before they be holden to denude in manner above-rehearſed: *And ſicklike*, with this Proviſion and Declaration always, that all the ſaids Heirs of Tailzie and Proviſion reſpective and ſucceſſive above-written (alſwell Male as Female) ſucceeding to the ſaid Title, Eſtate and Dignity of *R.* ſhall be holden, aſtricted and obliged, and by the acceptation of thir Preſents, Bind and Oblige themſelves to one another, in all time-coming, to aſſume and take the Sirname of *L.* and to uſe, bear and carry the Arms and Honours of the Houſe and Family of *R.* and no other Sirname or Arms in the firſt place, any time after their ſaid Succeſſion: *And in like manner*, the ſaids Daughters or Heirs-Females ſucceeding to the ſaid Eſtate by vertue of the ſaid Tailzie, if the time of their Succeſſion it fall out they be not Married, ſhall be holden aſtricted and obliged, and by the acceptation

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of thir Preſents, bind and oblige them, to marry an Noble or Gentleman of the Sirname of *L.* or who ſhall aſſume the Sirname of *L.* and they and their Heirs ſhall bear and carry the Sirname, Arms, Honours and Dignities of the ſaid Houſe and Family of *R* : *And likeways*, if the ſaids Daughters or Heirs Female ſucceeding in the ſaid Eſtate, ſhall happen to be married the time of their Succeſſion, then and in that caſe, the ſaids Daughters and their Heirs of the ſaids Marriages, ſhall alſo be holden and obliged, and by the acceptation hereof, bind and oblige them, to bear and carry the ſaid Sirname, Arms and Dignities of *L.* of the Family of *R.* in all time after their Succeſſion aforeſaid as ſaid is; *in which*, if they or any of them ſhall faill, the Party deficient and contravening, ſhall forfeit, tine and amit their Right of Succeſſion of the ſaids Lands, Dignity and Eſtate, and the ſame ſhall come, divolve upon, and pertain to the next and immediat Heir of Tailzie, for the time exiſting, who ſhall have the Right of Succeſſion thereto, and that by Declarator, Adjudication, Service, or otherways, as accords, and as uſe is in the like caſes, in manner under-written: *Providing always*, that if the ſaid *J.* Lord *L.* or Heirs of his Body, or any other of the Heirs of Tailzie, Male or Female reſpective above-mentioned ſucceeding, or who having Right of Succeſſion to the ſaids Lands, Earldom and Eſtate, by vertue of the ſaid Tailzie, ſhall alſo ſucceed to ſuch other Eſtates and Dignities, by which they ſhall be obliged to bear and carry any other Arms and Dignity, beyond the ſaids Arms and Dignity of the Family of *R*; wherefore both the ſaids Eſtates, and Dignities thereof, or either of them, may happen to be confounded and ſuppreſſed, for preventing thereof, it is hereby Provided and Declared, that notwithſtanding the ſaid condition and reſtriction above-ſpecified, anent the bearing of the ſaid Sirname, Arms and Dignities, it ſhall be always lawful even to the ſaid *J.* Lord *L.* or to the Heir-male of his Body, or to any others of the Heirs of Tailzie and Proviſion *reſpective* above-written, Male or Female ſucceeding or having Right of Succeſſion not only to the ſaid Eſtate and Dignities of *R.* but alſo to ſuch other Eſtates and Dignities to them provided, bearing and carrying any other Arms and Dignities in manner foreſaid, to aſſume and take the Dignities of the ſaid other Eſtate, in which they ſucceed or ſhall have Right of Succeſſion, and by the Dignities of both the ſaids Eſtates to be deſigned, and to bear and carry the Arms and Honours of both Families, in a Quadrat Armour or Shield (the Arms and Dignities of the Family of *R.* being always placed in the Principal and firſt place) and they always carrieing, bearing and uſing the Sirname of *L.* (and no other Sirname) in all time after their ſaid Succceſſion: *As* alſo with this Proviſion and Declaration, nevertheleſs, likeas by thir preſents it is ſpecially provided and declared, that it ſhall be no ways leiſum or lawful to the ſaid *J.* Lord *L.* nor to the Heirs of his Body, neither to any others, the Heirs of Tailzie and Proviſion reſpective above-written, whether Males or Females ſucceeding in the ſaids Lands, Earldom and Eſtate above-ſpecified, by vertue of the ſaid Tailzie and Subſtitution, nor to any of them to Sell, Annalzie, diſpone dilapidat, or put away the ſaids Lands and Eſtate, or any part or portion thereof, nor to infringe or innovat this preſent Tailzie, nor to contract or undergo Debts, or to do or commit any other Fact or Deed Civil or Criminal, whereby the ſaid Earldom, Lands and Eſtate above-written may be any ways appryſed, Adjudged, Evicted, or Foreſaulted from them, or may be any ways affected, in Prejudice and Defraud of the ſubſequent Heirs of Tailzie and Proviſion above-mentioned, *ſucceſſivè*; conform to the Order and Subſtitution above-ſpecified: *Neither* ſhall it be lawfull to the ſaid *J.* Lord *L.* and his foreſaids nor yet to any others of the Heirs of Tailzie and Proviſion above-expreſt, to permit the ſaids Lands and Eſtate, or any part thereof, to be Evicted, Adjudged, Appryſed, or any ways Affe-

cted, for any Debts or Deeds Contracted or Committed by them before their Succeſſion, or by any of their Predeceſſors, whom they any ways ſhall Repreſent, or in which they as their Repreſentatives may be liable and ſubject; all which Deeds are not only declared *ipſo facto*, void and null, by way of Exception or Reply, and without Declarator, in ſo far as they Burden and Affect the ſaid Eſtate: but alſo it is provided and declared that the Heirs Male and of Tailzie aforeſaid, who ſhall contraveen and incur the ſaids Clauſes irritant, or any of them, by not aſſuming the ſaid Sirname, Arms and Dignity of *L.* of *R.* or by the ſaids Heirs Female being unmarried, and not marrieing to an Nobleman or Gentleman of the Sirname of *L.* or who and their Heirs ſhall aſſume the ſaid *S*irname, and carry and bear the Arms and Honours thereof, or the ſaids Heirs Females married to thoſe exiſting, and their Heirs of the ſaids Marriages, not aſſuming and bearing the ſaid *S*irname, Arms and Dignities as ſaid is, or who ſhall infringe or innovat the ſaid Tailzie, contract Debts, or commit any other Fact or Deed whereupon the ſaids Lands Earldom and Eſtate, or any part thereof may be any ways evicted or affected, in manner foreſaid, or who ſhall permit the ſaids Lands and Eſtate or any part thereof to be evicted, Adjudged, Appryſed, or any way affected for any other Debts or Deeds Contracted or Committed by them before their *S*ucceſſion, or by any of their Predeceſſors whom they ſhall Repreſent, and in which they may be only liable as Repreſenting them any manner of way, that then and in any of theſe caſes the perſon or perſons ſo contraveening in manner foreſaid, ſhall Forefault, Amit and Tine their Right of *S*ucceſſion of the ſaids Lands and Eſtate, and all Infeftments and pretended Rights thereof, in their perſons, ſhall thereafter expire and become extinct, void, null, and of no effect *ipſo facto*, by way of Exception or Reply, and without Declarator as ſaid is, and the ſame ſhall divolve, accreſce and belong to the next and immediat Heir of Tailzie (for the time exiſting) who by vertue of the Tailzie and *S*ubſtitution aforeſaid, is appointed to ſucceed to the ſaids Lands, Earldom and Eſtate; to whom it ſhall be lawful either to ſerve as Heir in ſpecial therein to them, who died laſt infeft before coming in the contrair, and to be Retoured and infeft thereupon, or otherways by Declarators, Adjudications, or other Legal Sentences to be proſecute, whereby the Right of the ſaids Lands and Eſtate may be formally eſtabliſhed in their perſons, and of the remanent Heirs of Tailzie who are to ſucceed to them in manner as is above-provided, and with and under the Reſervations, Burdens, Conditions, Proviſions, Limitations, Reſtrictions and Qualifications Reſpective above-rehearſed, without any Acknowledgment of, or being ſubjected to the Debts or *D*eeds of theſe coming in the contrair, any manner of way, ſo that the ſaid Tailzie according to the *Genuin*, Intent and Purpoſe of thir Preſents ſhall ſtand inviolable and irrefragable in all time coming, any Law, Practique or Conſtitution whatſomever made or to be made; *Notwitſtanding*, *Declaring*, *nevertheleſs* that notwitſtanding the ſaid Limitation & Reſtricton above-written, it ſhall be lawful to and in the power of the ſaid *J.* Lord *L.* and his foreſaids, and to the remanent Heirs of Tailzie and Proviſions above-mentioned, to Burden and affect the ſaids Lands and Eſtate with the foreſaids Debts contained in the ſaid ſubſcribed Inventar, and others above-expreſt, as alſo with the ſum of —— *ſterling*, with which the ſaid *C.* of *R.* has power to burden the ſaids Lands and Eſtate, in manner foreſaid, at leaſt with ſuch of the ſaids Debts, and Sums of Mony, and ſo much of the ſaid —— *ſterling*, as it ſhall happen her to Contract upon the ſaid Eſtate, and which ſhall be reſting unpayed by the ſaid *C.* the time of her deceaſe, and ſhall not be ſatisfied and payed by her Movables or otherways: *And likeways* to provide competent and convenient Liferents, Portions and Proviſions to their Husbands, Ladies, Bairns and Grand-children, and ſuch as the ſaid Eſtate may goodly perform and bear, and as two of the neareſt Friends

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one on the Fathers part, and an other on the Mothers part, ſhall think fit and agree to the ſaids Liferent Rights in favours of the Husbands and Ladies, not exceeding —— at one and the ſame time; and the ſaids Portions and Proviſions in favours of the ſaid Children, not exceeding the *Sum* of —— and to grant Obligations, Impignorations, Infeftments, and other Securities requiſit thereupon, and with the which the ſaids Lands and Eſtate ſhall be burdened and affected, notwithſtanding the Reſtriction and Proviſion above-ſpecified; *Providing* always, that the ſaid *J.* Lord *L.* and his foreſaids, and remanent of the Heirs of Tailzie and Proviſion above-ſpecified, ſucceeding in the ſaids Lands, Earldom and Eſtate, ſhall be holden and obliged, and by the Acceptation of thir Preſents, Bind and oblige themſelves and their foreſaids, no ways to ſuffer and permit the ſaids Lands and Eſtate, or any part thereof to be Adjudged or Appryſed for the ſaids Debts, Sums of Mony, Portions and Proviſions *Reſpective* above-written, for which they have Power to burden the ſaids Lands and Eſtate in manner above-expreſt, at leaſt, not to ſuffer and permit the Legal Reverſions of the ſaids Appryſings and Adjudications to expire, whereby the ſaid Tailzie (for preſervation of the ſaid Eſtate) is Eſtabliſhed and Intended may be any ways rendered of no Force, or Eluſory, or in vain, and at leaſt to purge and redeem the ſame within the ſpace of one year, before the Expiration of the Legal Reverſions of the ſaids Appryſings or Adjudications, according to the time preſcribed by Act of Parliament or any ſupervenient Law, and if the ſaids Heirs-male and of Tailzie, or their foreſaids delay and procraſtinat to redeem or purge the ſaids Appryſings or Adjudications, then and in that caſe they ſhall not only Tine and Amit all Right of Reverſion or other Right competent of the Law to the ſaid Eſtate; but alſo it ſhall be lawful to the next and immediat Heir of Tailzie (for the time exiſting) to interrupt and Interpell the Expiration of the Legal Reverſions of the ſaids Appryſings or Adjudications *reſpective*, any time within an year before the Expiring thereof, or to Compone, Settle and Tranſact for the ſaids Appryſings or Adjudications within an year of the Expiration as ſaid is, for their own proper uſe, (the ſaids Rights being always bought and acquired to the Exiſtents, with and under the haill Reſervations Burdens, Conditions, Proviſions, Qualifications and Limitations of the ſaid Tailzie, and that cumulative, and beſides, and beyond, and without prejudice of the ſaids other Clauſes irritant and Reſtrictions above mentioned. *And in the laſt Place*, It is hereby ſpecially Provided, that becauſe the ſaids haill Lands, Earldom and Eſtate is provided to the ſaid *M. C.* of R. Therefore ſhe ſhall be holden and obliged, likeas by the Tenor hereof ſhe Binds and Obliges her ſelf to Aliment, Entertain and Educat the ſaid *J.* Lord *L.* her Son, which failzieing the other Heirs of the ſaid *C.* her Body, ſucceeding to the ſaid Title, Dignity and Eſtate, in all neceſſaries, according to their Degree and Quality, during her Lifetime, at leaſt untill they be married, *and* if the ſaid I. Lord *L.* and failzieing of him the other Heirs of the ſaid *C.* her Body, ſucceeding to the ſaid Title, Dignity and Eſtate in manner foreſaid, ſhall happen to marry, during the Lifetime of the ſaid *C.* then and in that caſe ſhe ſhall be holden to renunce, and in that caſe hereby Renunces her Liferent Right of alſmuch of the ſaids Lands, as will yearly extend in free Rent to the Sum of —— in favours of the ſaid *I.* Lord L. or of the other Heirs of the ſaid *C.* her own Body, ſucceeding to the ſaid Title, Dignity and Eſtate allanerly, to be poſſeſt, enjoyed and uplifted by them freely, during all the days of her Lifetime, *Upon* the whilks haill Reſervations, Burdens, Conditions, Proviſions, Reſtrictions, Limitations and Qualifications reſpective above-mentioned, the ſaid Tailzie, Reſignation, and this preſent Inteftment, are granted and accepted and no otherways, as Authentick Inſtruments taken upon the ſaid Reſignation in the hands of *I. M.* Nottar publick more fully proport: *Moreover* his Maje-

ſty with Conſent foreſaid, has given, granted, diſponed, and for his Highneſs and his Royal Succeſſors, perpetually confirmed, Likeas by the Tenor hereof, his Majeſty gives, grants, & diſpones, and for his Highneſs and his Succeſſors perpetually Confirms to the ſaid *M. C.* of R. and her ſaid Succeſſors ſucceeding to her in the ſaid Eſtate and Dignity, and her Aſſigneys whatſomever heretably, (under Reverſion always in manner under-written) *All and haill* the Lands of *P.* and *L.* with the Mannor-place, lying within the Sheriffdom of *F. Whilks* Lands and others immediatly above-written, with the Pertinents pertained heretably of before to *I. P.* of *L.* holden by him immediatly of his Majeſty and his Succeſſors as immediat lawful Superiors thereof, and which were by him and his lawful Procurators in his Name to that effect, ſpecially conſtitute, and Patent Letters duely and lawfully reſigned in the hands of the ſaids Lords of his Majeſties Theaſury and Exchequer, his Highneſs Commiſſioners above-mentioned, at *Edinburgh*, the —— day of —— and —— years, in favours, and for new Infeftment of the ſame to be made and granted to the ſaid *C.* and her foreſaids heretably in ſuch due and competent Form as accords; *Providing* always, that the ſaids Lands of *P.* and *L.* with the Pertinents, ſhall be redeemable by *W.* now *E.* of *C.* and his Creditors from the ſaid *C.* and her foreſaids for payment of the Principal Sum of --- *ſcots* Mony with the hail ---- Annualrents thereof, liquidat Expenſes, and Termly Failzies of the ſame due, and incurred for the time, contained in an Bond granted by umquhile *I.E.* of *C.* & *W.* now *E.* of *C.* therein deſigned Lord *L.* his Son, in favours of the ſaid deceaſt *J. D.* of R. dated the —— day of —— —— years, and that in ſo far as is not payed by the ſaid *C.* her Intromiſſions with the ſaids Lands, or any other Lands or Eſtate, belonging to the ſaid *E.* of *C.* or any part thereof, or Annualrent, or other Duty upliftable furth of the ſame, as alſo with this Proviſion that the ſaid *C.* her Acceptation of the Right and Diſpoſition of the ſaids Lands from the ſaid *I. P.* with the ſaid Reſignation, and this preſent Infeftment ſhall no ways prejudge her of any other Right granted by the ſaid Umquhile *I. E.* of *C.* and *W.* now *E.* of *C.* or any of them, in favours of the ſaid *J. D.* of *R.* her Father conjunctly with other Creditors, ſo that the ſaid *C.* may obtain her proportional part, in ſo far as the ſaid *C.* ſhall not be found payed by the ſaids Lands of *P.* and *L.* diſponed to her in manner foreſaid, as Authentick Inſtruments taken upon the ſaid Reſignation, in the hands of the ſaid *I. M.* in themſelves more fully is contained: *And farder* his Majeſty with Advice and Conſent foreſaid, has of New Unit; Annexed, Creat and Incorporat, and by thir Preſents of New Units, Annexes, Erects, Creats and Incorporats all and ſundry the ſaid Honour, Title, Dignity, Lands, Lordſhips, Baronies, Rights of Patronages, Milns, Woods, Fiſhings, Burgh of Barony, Weekly Mercats, Yearly Fairs, Teinds, Annualrents, Office of Sheriff-ſhip, and others particularly and generally above-mentioned, (except the ſaids Lands of P. & L. proceeding upon the ſaid Reſignation of the ſaid *I.P.*) in an haill and free Earldom, Lordſhip and Barony now, (as formerly) and in all time coming to be called the Earldom of R. Lordſhip and Barony of *L.* and Ordains that one Seaſin now to be taken by the ſaid *C.* of R. and *I.* Lord *L.* her Son, and his foreſaids in all time coming, at the Mannor-place of *L.* or upon the Ground of whatſomever part of the Lands and others reſpective above-written ſhall ſtand valid and ſufficient an Seaſin to them for the ſaid Honour, Title and Dignity, and haill Lands, Lordſhips, Baronies, Milns, Woods, Fiſhings, Towers, Fortalices, Burgh of Barony, Fairs, Markets, Right of Patronages, Annualrents, Teinds, Offices, and others *reſpective*, particularly and generally above-ſpecified, (except for the ſaids Lands of P. and *L.* with the Pertinents thereof foreſaids) notwithſtanding that they ly diſcontigue and within divers Sheriffdoms and Juriſdictions: *Whereanent* (and with all following

following thereupon, or may be objected againſt the ſame) his Majeſty (with Advice and Conſent foreſaid) has diſpenſed, and by thir preſents diſpenſes for ever, as alſo his Majeſty for him and his foreſaids, Will, Grants, Decerns and Ordains, that a Seaſin to be taken now by the ſaid *C.* and by her foreſaids in all time coming, upon the ground of any part of the ſaids Lands of *P.* and *L.* ſhall ſtand good, and be an valid and ſufficient Seaſin to them for the ſaids haill Lands, with the Pertinents thereof, notwithſtanding that the ſame ly diſcontigue: *Whereanent* alſo his Majeſty diſpenſes for ever *to be holden*, and for to hold All and haill the ſaids Honour, Title, Dignity, Lands, Lordſhips, Baronies, Burgh, free Fairs, Weekly Mercats, Milns, Woods, Fiſhings, Rights of Patronages, Teinds, Office of Sheriffſhip, and others *reſpective* particularly and generally above-mentioned, with the haill Parts, Pendicles, Priviledges and Pertinents of the ſame lying in manner foreſaid (and by the Tenor hereof, of *New* Unite, Annexed, Creat and Incorporat, as ſaid is) to the ſaid *M. C.* of *R.* in Liferent, during all the days of her Lifetime, and to the ſaid *J.* Lord *L.* her Son, and to his Heirs of Tailzie and Proviſion reſpective and ſucceſſive above-mentioned (with and under the haill Reſervations, Burdens, Proviſions, Reſtrictions, Limitations and Qualifications reſpective above-written), of his Majeſty and his Royal Succeſſors, in free Earldom, Lordſhip, Barony, and Burgh of Barony, Fee and Heretage for ever; As alſo the ſaids Lands of *P.* and *L.* with the Pertinents to the ſaid *C.* and her foreſaids, of his Majeſty and his Succeſſors, in Taxt, Ward, Fee and Heretage for ever, by all Right, Meiths and Marches of the ſame old and diviſed, as the ſame ly in Length and Breadth, in Houſes, Biggings, *&c.* Milns, Fiſhings, *&c.* Halking, Hunting, *&c.* Coals, Coal-heughs, *&c.* Courts, Plents, Herezalds, Bloodwits, *&c.* with Furk, Foſſe, *&c.* Infang-theif, Outfang-theif, Pitt, Gallows, and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giveing* therefore yearly the ſaid *M. C.* of *R.* during all the days of her Lifetime, and after her deceaſe, the ſaid *J.* Lord *L.* her Son, and his Heirs of Tailzie and Proviſion *reſpective* and *ſucceſſive* above-ſpecified, to his Majeſty and his Royal Succeſſors, the Feu-farm-duties, Blench-duties, and Taxt-ward-duties, and other duties reſpective particularly under-written, *viz.* for the ſaids Lands and old Barony of *L.* comprehending and lying as ſaid is, with the ſaid Office of Sheriff of the ſaid Sheriffdom of *F.* haill Profits, Liberties, Priviledges and Caſualities thereof, and Parſonage Teinds of the ſaids Lands of *H.* with the Pertinents, three pennies uſual Money of the ſaid Kingdom of *Scotland* at the Feaſt of *W.* in name of Blench-farm, if it be asked allanerly, for the ſaids Lands of *P.* with the Meadow and Orchards thereof, together with the Woods of the ſaids Lands called —— and its Pertinents, the ſum of 10 *lib.* 6 *ſſ.* and 8. *d.* money above-written, at two Terms in the year *W.* and *M.* in Winter, by equal Portions, in name of Feu-duty allanerly, as alſo the Heirs above-ſpecified of the ſaid *M. C.* of *R.* and *J.* Lord *L.* her Son, doubling the ſaid Feu-duty the firſt year of their Entry to the ſaids Lands, as uſe is of Feu-farm, as alſo building and ſuſtaining upon the ſaids Lands a ſufficient Manſion or Dwelling-houſe, with Hall Chamber, Kitſhen, Barn, Byer, Dove-coat, Orchards, and other Pollicies correſponding to the ground allanerly for the ſaid Salmond-fiſhing, with the Teinds thereof included, the Sum of 4 *lib.* Money above-ſpecified, as price of an Barrel of Salmond, as the ancient Farm and Duty uſed and wont to be payed therefore; and for the ſaids Iſles, with the Teinds included, the Sum of 20 merks Mony above-written, at the Terms of *W.* and *M.* by equal Portions, in name of Feu-duty, and the Heirs of the ſaid Lord *L.* doubling the ſaid Feu-duty the firſt year of their Entry, as uſe is of Feu-farm allanerly; and for the haill remanent Lands, Baronies, Patronages, and others particularly and generally above-rehearſed, contained in the Charter and Infeftment, granted by his Majeſties deareſt Brother *Charles* the ſecond of bleſſed memory, under

the Great Seal, in favours of the ſaid *J.* D. of *R.* thereupon, of the date the 4th of *June* 1663. an red Roſe at the ſaid Tower, Fortalice, and Mannor-place of *L*, at the Feaſt of Midſummer, in name of Blanſh-farm, if it be asked allanerly, notwithſtanding that the ſaids haill other Lands and Barony, and others particularly and generally above-mentioned were holden by the ſaid umquhile *D.* of *Rothes*, and his Predeceſſors and Authors, of his Majeſties moſt noble and ſerene Progenitors, by Service of Ward and Releif, becauſe his Majeſties moſt dear Brother above-mentioned (for the cauſes ſpecified in the ſaid Charter granted to the ſaid *D.* of *R.*) changed and altered the form and manner of the Holding of the Lands, Baronies, and others *reſpectivè* above-written, holden by Service of Ward and Releif, from Ward to Blanch-Farm, to be holden then and in all time-thereafter of his Majeſty and his Succeſſors, in free Blanſh-Farm, in manner and for payment of the Blanch-Duty above-mentioned allanerly, for the ſaids Lands and Barony of *C.* called *L. C.* &c. lying as ſaid is, the Sum of 20 ſhilling Money foreſaid, in name of ——, (but I ſuppoſe to be Blanch-Duty) uſed and wont, and contained in the ancient Inſeſtments of the ſaids Lands and others foreſaids, for the ſaids Teinds great and ſmall, alſwell Parſonage as Vicarage of the ſaids Lands and Barony, with the Advotion, Donation, and Right of Patronage of the ſaid Paroch-Kirk and Parochin of *K.* the Sum of two ſhilling Money foreſaid yearly at the Feaſt of *W.* in name of Blanſh-Farm, if it be asked allanerly, and to the Miniſter ſerving the Cure at the ſaid Kirk of *K*, and his Succeſſors in that Charge, ane proportional part of their Stipend due forth of the ſaids Teinds, according to uſe and wont, for all other Burden, Exaction, Queſtion, Demand, or ſecular Service, which may be any ways juſtly asked or required furth of the ſaids Lands, Barony, Teinds, Patronage, and others foreſaids, by whatſomever manner of way: *With this Proviſion* notwithſtanding, that whenever it ſhall happen the ſaids Lands, Barony, and others foreſaids, or any part thereof, to fall and become in the Hands of his Majeſty, or his Royal Succeſſors, by reaſon of Ward or Non-entry; yet nevertheleſs, the Heirs of Tailzie, Proviſion, and Aſſigneys of the ſaid *C.* of *R.* and of *J.* Lord *L.* ſhall peaceably poſſeſs, bruik and enjoy the ſamine, for payment yearly of the Sum of 40 merks Money foreſaid during the time of the Ward and Non-entry; alſmuch for the Releif; and of the Sum of 200 merks Money above-written, for the Marriage of the Heir, when it ſhall happen. To which reſpective Duties, his Majeſties deareſt Brother *Charles* the ſecond of bleſſed memory, for himſelf and Royal Succeſſors, Taxed the ſaid Ward, Non-entry, Releif, and Marriage, thereafter, in all time-coming, and now as if the ſaid Ward, Non-entry, Releif, and Marriage *reſpectivè*, had already fallen out, and then as now, his ſaid Majeſties deareſt Brother diſponed the ſamine to the ſaid umquhile *J. D.* of *R*, and his foreſaids, for payment of the Taxt-Ward-Duties above-ſpecified, conform to the ſaid Charter under the Great Seal, granted to the ſaid *D.* of *R.* thereupon, dated the 12 of *March* 1667. for the ſaids Lands of *C*, &c. the Sum of 13 pound and 6 ſhilling Money foreſaid, with 17 Bolls (except two little Pecks) of Oat-Meal, good and ſufficient Meaſure of Merchant-Ware) with 24 Poultry, and for Graſs-ſum yearly, the Sum of 5 pound 6 ſhilling and 8 pennies Mony foreſaid, and alſo in augmentation of the Rental the Sum of 59 ſhilling 3 pennies, and ſicklike paying the Sum of 39 ſhilling 8 pennies Money above-written, which was formerly payable to the Convent of the Monaſtry of *D.* or to the Maſter of their common little Ones to their Pittances; and the Sum of 4 *lib.* 8 *s.* 11 *d.* in augmentation of the Rental yearly, beſides and beyond Graſums, and other Profites and Farms formerly payed to his Majeſty and his Highneſs Predeceſſors, paſt memory of Man, at the Terms of *W.* and *M.* by equal Portions, with the duplication of the ſaid Feu-Duty at the Entry of every Heir to the ſaids Lands

of

of *C*, with the Pertinents. And in like-manner, it ſhall not be lawful to the Heirs-Female, ſucceeding in the Right of the ſaids Lands, to enter in Marriage, or Contract, without the conſent of his Majeſty and licence of his Succeſſors had and obtained, and if they do it clandeſtinly, they ſhall amit and tine the Heretage of the ſaid Feu; with this Proviſion and Declaration always, that whenever it ſhall happen the Ward of the ſaid Marriage to fall and become in the Hands of his Majeſty, by the Succeſſion of the Heir-Female, in manner above-written, that it ſhall be lawful to the ſaid Heir-Female to marry without his Highneſs conſent, for payment to his Majeſty and his Succeſſors, of the Sum of twenty Merks for the ſaid Marriage, to which Sum the Marriage of the ſaid Heir-Female, whenever it falls out, is Taxed in all time-coming, notwithſtanding the Clauſe and Condition contained in the ancient Infeftments, which his Majeſties deareſt Brother renunced and diſcharged in favours of the ſaid *J. D.* of *R.* and his foreſaids, for payment of the Taxt-Ward-Duty above expreſt for now and for ever, for all other Burden, *&c.* which may be any ways asked or required furth of the ſaids Lands and others foreſaids, by any manner of way in all time-coming, for the ſaids Lands of *E. S.* the quarter or fourth part of an pound of —— within the Paroch-Kirk of *C*, in name of Blanſh-Farm, according to the tenor of the ancient Infeftments allanerly, for the ſaid ſixth part of the Lands of *W. S.* with the Pertinents the Rights and Services uſed and wont, providing always, that whenſoever it ſhall happen the ſaid ſixth part of the Lands of *W. S.* with the Pertinents thereof above-ſpecified, or any part or portion thereof, holden Ward in manner foreſaid, to fall and become in his Majeſties Hands by reaſon of Ward; yet nevertheleſs, the ſaid *M. C.* of *R.* and *J.* Lord *L.* and their foreſaids, ſhall peaceably poſſeſs, bruik and enjoy the ſame for yearly payment of the Sum of 10 merks Money foreſaid, during the Ward and Non-entry, alſmuch for the Releif, and of the Sum of 20 merks for the Marriage, as the proportional part correſponding to the ſaids Lands; of the Sum of 10 *merks* for the Ward and Nonentry, of the like Sum for the Relief, and of the Sum of 40 *lib.* for the Marriage of the Heir, to which the ſaid ſixth part of the Lands of *W. S.* and the Lands of —— with the Miln and Pertinents, lying within the Sheriffdom of *F.* are taxed by Infeftment granted to *H. S.* of *I.* and to which Sum of 10 merks for the Ward, Nonentry and Relief, and 20 merks for the Marriage, the ſaid ſixth part of *W. S.* are Taxed in all time coming, according to the ſaid Charter granted by his Majeſties deareſt Brother, in favours of the ſaid deceaſed D. of *R.* under his Highneſs Great Seal of the date the fifth day of *Auguſt* 1670. for the ſaids Lands of *A.* with the Milns, *&c.* the Service of Ward and Relief allanerly; *Providing*, *Nevertheleſs*, that when ever it ſhall happen the ſaids Lands Milns and others above-written, or any part or portion thereof, to fall and become in his Majeſties hands, or in the hands of his Royal Succeſſors, by reaſon of Ward and Non-entry, or either of them, that notwithſtanding thereof, the Heirs of Tailzie, Proviſion and Aſſigneys above-ſpecified, of the ſaid *M. C.* of *R.* and of *J.* Lord *L.* ſhall peaceably poſſeſs, bruik and enjoy the ſame, for payment of the Sum of 20 *lib.* Money foreſaid yearly, during the Ward and Nonentry, and alſmuch for the Relief, and of the Sum of 40 *lib.* Mony foreſaid for the Marriage when it falls, to which Sums *reſpectivè* above-ſpecified, his Majeſties deareſt Brother King *Charles* the ſecond of ever glorious Memory, for himſelf and his Succeſſors Taxed the ſaid Ward, Nonentry, Relief, and Marriage, of the ſaids Lands of *A.* Milns and Pertinents thereof above-mentioned, in all time coming, in manner and conform to the Charter under the Great Seal, granted by his ſaid late Majeſty *Charles* the 2*d.* to Maſter *G. G.* —— of the ſame, dated the 25 *January* 1671. and conform to an other Charter granted by the ſaid King *Charles* the 2*d.* under the Great Seal, in favours of the ſaid Umqu-

hil *J. D.* of *R.* then Lord high Chancellor of his Majeſties Kingdom of *Scotland*, of the ſame Lands of *A.* Milns and Pertinents thereof, dated the 30 *July* 1675. and for the ſaids Lands of *P.* and *L.* with the Pertinents, the Rights and Services uſed and wont before the ſaid Reſignation, *viz.* the Sum of 24 *lib.* Mony foreſaid, as the proportional part, correſpondent thereto, of the Sum of 36 *lib.* yearly, at the Feaſts of *W.* and *M.* in Winter by equal portions, as the Taxt Ward-duties thereof, and of the Lands of L. with the Miln of *L.* and Pertinents of the ſame belonging to the ſaid *I. P.* and als oft and how oft they fell and became in his Majeſties or Succeſſors, (Superiors thereof) their hands, by reaſon of Ward and Nonentry, or either of them, and of the like Sum of 24. *lib.* Mony foreſaid, as the proportional part of the ſaid Sum of 36 *lib.* for the Relief thereof, when the ſame fell, and of the Sum of—— Mony, above-written, as the proportional part, correſpondent to the ſame, for the Marriage of the ſaids Heirs how oft the ſame ſhould happen to occur, conform to the Charter and Infeftment of the ſaids Lands of *P.* *L.* and *L.* with the Miln and Pertinents, and of divers other Lands and Baronies made and granted to the ſaid Umquhile *I.* Earl of *C.* and *L.* and to the ſaid *W.* now Earl of *C.* then deſigned Lord of *P.* his Son thereupon, under the Great Seal of the date the 1 day of *March* 1648. and that for all other Burden, Exaction, Profit, Duties, Demand, or ſecular Service which may be any ways asked or required, furth of the ſaids Lands and others above-expreſt, or any part thereof, or for the Ward, Nonentry, and Relief thereof, or for the Marriage of the Heirs, and Profits of the ſame when ever the ſame ſhould happen to fall out and occur: *And in like manner*, by the tenor of thir Preſents, and former Charters and Infeftments of the ſaids Lands and others above-rehearſed, it is ſpecially provided and declared, that it ſhall be always lawful to the Heir-male Tailzie and Proviſion *reſpective* and *ſucceſſive* aforeſaid, of the ſaid *C.* of *R.* and of *I.* Lord *L.* her Son, to obtain themſelves by Breives furth of the Chancellary duely Served, Retoured, Infeft and Seaſed as Heirs to their Predeceſſors, at any time of their Minority, in and to the haill foreſaids Lands and others above-written (holden Taxed-Ward as ſaid is) notwithſtanding they formerly held by Service of Ward and Relief, and now hold in Taxt-Ward in manner foreſaid, for payment of the Taxt-Ward Duties *reſpective* above-mentioned, and notwithſtanding of whatſoever Acts, Laws, Statutes, Praſiques, or Conſtitutions of the ſaid Kingdom of *Scotland*, made or to be made in the contrary, and without neceſſity of any other Warrand or Diſpenſation for that effect, and anent all which, and with the Members of Court, Perſons of Inqueſt and Givers of the Seaſins, his Majeſty (with Conſent foreſaid) by thir Preſents (and as by the former Charters and Infeftments the ſame is diſpenſed with) has diſpenſed, and by thir Preſents (for him and his Royal Succeſſors) diſpenſes for ever, and admit and declare the ſaid Breves, Services, Retours, Precepts thereon under the Quarter Seal, and Seaſins to follow upon the ſame, in the ſaids haill Lands and Eſtate, to be als valid and ſufficient, and of als great Force, Strength and Effect, to all Intents and Purpoſes, as if the ſame were done and exped, after the ſaids Heirs-male, Tailzie and Proviſion their full and perfect Ages of twenty one years compleat, albeit not ſo done; *whereanent*, alſo diſpenſes for ever, and that the ſaid Charter be extended in the beſt and moſt ample Form, with all Clauſes needful, and that Precepts be orderly directed hereupon, in Form as effeirs. *Given at*

This Signature is in favours of an Noble and Virtuous Lady, the eldeſt Daughter and Heir of Tailzie (beſides that of Line) to the Duke of Rothes, *a great Stateſman, and of moſt ſingular Endowments, lovely in Countenance and perſon, of an ſweet and moſt delectable and Affable Carriage*

riage and Deportment, moſt Acceſſible in his Greatneſs, (no ſmall Quality in great men both of Honour and in Power,) and could hardly give an Anſwer either harſh or bad, (leaving Matters to Juſtice, and favouring the Innocent,) a Perſon free of Covetouſneſs, (els by his long Continuance in places of Eminency, and for a Series of years) might have ſwelled and Soared to the Heights of Riches, he was in many eminent Stations, as his Majeſties high Commiſſioner in Parliament once and again, Captain of his Majeſties Guards, Lord high Theſaurer of this Kingdom, and Lord high Chantellor therein, and which Station gave him place not only to preſide in Parliament, but likeways in all Courts depending upon the Crown, namly to Sit and Preſide in Council, Extraordinary Lord of Seſſion, and preſided in Exchequer (when the ſame went by the Conſtitution of a Theſaury,) and once a Debate moved whether he ſhould preſide, when it went by a Lord high Theſaurer, but was concerted by the Determination and Prudence of our Dread Soveraign, K. Ch. 2 d. who promoted the Duke of Rothes *(and moſt deſervedly) to all theſe eminent Stations, and to conclude (and without Vanity or vain Applauſe) this Gentleman the Duke of* Rothes *was admired by all, and hated by few or none, ſuch was his Deportment and Deameanour and no leſs Judged of him then that if his Letters had anſwered his other Moral Parts and Endowments, few Stateſman would compeat (beſides to tranſcend him) and for all his great Stations which might have obliged him to exceſſive Spending (and ſo unbraged his Eſtate) has left his Eſtate in good Condition, no ſmall ground of Admiration, conſidering his Mind was above the World, and not adapted to any thing ſublunary (as that of Riches) looking upon ſuch but as Tranſitory and fading Flowers, (yea Shadows at the beſt) and this much I ſay of this Noble Perſon (now in duſt as all muſt and will) not ſo much that he was always and truly my own great and good Friend, as that I think he juſtly deſerved all that is ſaid and more, and I may have the more Credit given me in this, that I never was his Writer in Ordinary, or had no Office of his Grace but ſhared otherways in his Favours, as Affairs, led me, and fell in his Raad, and in Gratitude, wiſh his Succeſſion and Race may flouriſh and long continue as the leaſt Tribute I owe his Memory.*

SIGNATURE *of the Earldom of* H. *and Lordſhip of* M. *and ſeveral other Baronies, particular Lands, Regalities, Burghs of Barony and Regality, Patronages, Teinds, Offices of Bailliary, and others in favours of* Mr. T. H. *ſecond lawful Son and Heir of Tailzie, to umquhil* C. E *of* H. *Lord* B. *and* B. *procreat betwixt him and* M. C. *of* Rothes *and* H. *his Sponſe, and to the Heirs male of the ſaid* Mr. T. H. *his Body, whilks failzeing to the other Heirs-male and of Tailzie after-ſpecified, and their Aſſigneys heretably and irredeemably (with and under the haill Reſervations, Conditions, Proviſions, Reſtrictions, Limitations and Qualifications reſpective after-mentioned) and that upon the eldeſt Son of the ſaid Earl of* H. *procreat in the ſaid Marriage, now deſigned* J. *Lord* Leſly, *his coming to the Honour, Title and Dignity, as well as the Eſtate of* Rothes, *by the ſaid* M. C. *of* R. *his Mother, who as Heir of Tailzie to the Duke of* Rothes, *was inveſted in the Honour and Eſtate, and upon her Reſignation devolved on her Son, as appears by the Signature immediatly before inſert; And becauſe both Signatures run much upon one ſtrain as to the Stile, and only differ in the Subſtitution (failzeing of the Deſcendents of the Lady* R. *Body) and as to the Eſtate and manner of Holding, I will be brief*

in this, and curtly ſumm up all by Animadverſions not unworth the noticing, and have placed the one Signature after the other for this end and purpoſe.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here the Conſents were inſert according to the Conſtitution for the time, being in a Theſaury, not Theſaurer*) Ordains a Charter to be made and paſt under his Majeſties Great Seal of the ſaid ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Succeſſors perpetually confirming; Likeas, his Majeſty (with conſent foreſaid) by thir preſents, gives, grants and diſpones, and for his Highneſs and his Royal Succeſſors perpetually confirms to his Majeſties well beloved Mr. T. H. ſecond lawful Son and Heir of Tailzie of umquhil *C. E.* of *H.* Lord *B.* and *B.* procreat betwixt him and M. *C.* of R. and *H.* his Spouſe, and to the Heirs-male lawfully to be procreat of his Body, whilks failzeing, to Mr. *C. H.* Third and youngeſt lawful Son procreat betwixt the ſaid umquhil *C. E.* of *H.* and the ſaid *M. C.* of R. his Spouſe, and to the Heirs-male of the ſaid Mr. *C.* his body, whilks failzeing, to *J.* L. *Leſly*, eldeſt lawful Son procreat betwixt the ſaid umquhil *C. E. of H.* and the ſaid *M. C.* of R. his ſpouſe, and to the Heirs-male of his Body; Whilks failzeing to the eldeſt lawful Daughter, or Heir-Female to be procreat of the ſaid Mr. *T. H.* his body *ſucceſſivè*, without diviſion, which failzeing to the eldeſt lawful Daughter, or Heir-female of the ſaid Mr. *C. H.* his body, alſo *ſucceſſivè*, and without diviſion, whilks failzeing to the eldeſt lawful Daughter, or Heir-female to be procreat of the ſaid *J. L. L.* his body *ſucceſſivè*, and likeways without diviſion, (*after this the Tailzie runs to the deceaſt Earls Siſters in order, according to their years, and the Heirs-male of their body* whilks failzeing to their eldeſt Daughters or Heirs-female without diviſion, which failzeing to the Lady *K*, *&c.* and then to other Relations particularly therein mentioned, and failzeing of all, to the ſaid Mr. *T. H.* his neareſt and lawful Heirs and Aſſigneys whatſomever heretably and irredeemably (with and under the haill Reſervations, Conditions, Proviſions, Reſtrictions, Limitations and Qualifications *reſpectivè* aftermentioned) *All and haill* the Lands, Eſtate and Inheritance of *H.* comprehending therein all and ſundry the Lands, Earldom, Lordſhips, Baronies, Burghs of Baronie, Regalities, Juriſdictions, Priviledges, heretable Offices, Rights of Patronages, Teinds, and Tenements under-written, *viz.* all and haill the Lands, Lordſhip and Barony of *M.* comprehending all and ſundry the Lands, Milns, Woods, Fiſhings, Meadows, Forreſts, Manſions, Mannor-places, Yards, Orchards, Churches, Teinds, and others under-written, with the Pertinents; *viz.* all and haill the Monaſtery and Precinct of *M.* (*after this were all the Lands, and what elſe Property, Regality, and other Juriſdiction or Superiority* (*in ſub-vaſſalage*) belonging to the Abbacy of *M.* inſert, and then all unite, annexed and incorporat in a haill and free Lordſhip and Barony, called the Lordſhip and Barony of *M.* thereafter many moe Lands and others inſert and deſigned to be within the Regality of *M.* and annexed in and to the Lordſhip and Barony thereof; after which the Lands and Barony of *C.* comprehending many particular Lands, enumerat with Churches, Patronages, Teinds, Fiſhings and the like, and in effect a part of the Monaſtry and Priory of *C.* and all unite in a free Barony, called the Barony of C. After this is inſert the Lands, Lordſhip and Barony of *B.* comprehending ſeveral Lands, Burghs of Baronies, Patronages, Teinds, Priviledges of Muirs and Paſtourage in diſtinct places, with free Iſh and Entry thereto, *cum vehiculis & vaſtalis &c.* Cairts and Wains *&c.* After which the Barony of *J.* comes in, with Coal-heughs, and power of winning Coals and Coal heughs within Flood-Mark, in ſight, and within the haill bounds of the Lands and Baronies of *D.* and *J.* and with full Right, Priviledge and Liberty of free

free *Sea*-ports for defending and keeping of Ships within the bounds of the ſaids Baronies of *D.* and *J.* or within any Part or Parts thereof whereſoever the ſame may be conveniently and moſt commodiouſly had& appointed,and for reception of Ships, Barks, Boats, or other Veſſels coming within the ſaids bounds, with all Anchorages, Toles, Immunities, Cuſtoms, and other Duties and Caſualities whatſoever pertaining and incumbent thereto, with Power and Liberty of Erecting and Building of Sea-ports for Defence and Station of Ships within the haill bounds of the ſaids Lands and Baronies of *D.* and *J.* or any part or parts thereof, all formerly unite, annexed, erected and incorporat in an haill and free Lordſhip and Barony, called the Lordſhip and Barony of *B.* after this follows as alſo all and haill that part of the Muire of *Gledſmure*, lying within the Conſtabulary of *H.* and Sheriffdom of *E.* which lyes on the weſt part of that peice of Land, called, *the Little Mot of G.* divided from the reſt of the ſaid Muire of *G.* by a direct Line drawn from the *North march* or Limite of *G.* to the ſaid little Mot of *G.* to the *South march* or Limite of the ſaid Muire: As alſo all and haill that part of the Muire going Eaſt-ward or thereby from the ſaid little Mot of *G.* to that part of the publick or Mercat-way of the ſame, from the *Weſt* to the Burgh of *H.* which is againſt or oppoſite to the Eaſt part of the Loan of S.as the ſame is Marched,Limit and Bounded by Marches:And in like manner all and haill the liberty& uſe of the *Loch* of *G.* exiſting and conſiſting within that part of the ſaid Mure, to remain with the Burgh of *H.* and that for Recreation and Refreſhing, or Watering of the ſaid Mr. *T. H.* and his Heirs and Succeſſors, and their Tennents, their Sheep, Cows, Oxen, Horſe and *Beaſts* in drinking Water, and other uſes neceſſary, and for that effect have deſigned to the ſaid Mr. *T. H.* and his Predeceſſors, Heirs and Succeſſors, a large Loaning or Paſſage, commonly called a broad Loan from the ſaid little Mot of *G.* to the North-border of that part of *G.* and from thence to the middle of the ſaid Loch, for refreſhing and watering of their Sheep, Cowes, Oxen and Goods in drinking of Water, and for other uſes neceſſar in breadth and length of the ſaid Loan or Paſſage, which the ſaid Burgh of *H.* has from the publick or Mercat-way to the ſaid Muire of *Gledſmure*, as the ſame is marched and limite, lying within the Conſtabulary of *H.* and Sheriffdom of *E.* And all and haill the Lands and Barony of *C.* comprehending therein the Lands, Baronies, Milns, Woods, Fiſhings, and others reſpective particularly under-written, *viz.* (*here they were inſert*,)*and then* with Burghs of Barony, Weekly-Mercat, yearly Fairs, and thereafter all unite, Erected, Annexed, and incorporat in a haill and free Barony, called the Barony of *C.* And moreover all and haill the Lands, Barony and Regality of *D.* after-ſpecified; comprehending all and ſundry the Temple-Lands,Tenements, Churches, and others under-written, with the Pertinents, *viz.* (*here what comprehended were inſert*,*praticularly*, *with their Boundings and Deſignations*, *and by whom poſſeſſed*, *and from acquired*, *and then follows*) Together with the Right, Priviledge and Juriſdiction of a free Regality, within the haill bounds of the ſaids haill Lands, and others particularly and generally above-ſpecified, and all Immunities, Caſualities,Profits and Duties belonging and appertaining thereto Excepting (*here were inſert what excepted belonging to particular perſons*, *and then follows*) all Unite, Annexed, Erected, Creat and Incorporat in a haill and free Barony and Regality, called the Barony and Regality of *D.* Whilks haill Lands, Lordſhips, Baronies, Regalities, Burgh of Barony and of Regality, Juriſdictions, Priviledges, heretable Offices, Rights of Patronages, Teinds, Tenements, and others reſpective above-written, with the Pertinents pertained heretably of before to his Majeſties right well Beloved Couſin. the ſaid *C. E.* of *H.* and were by him and his lawful Procurators in his Name to that effect ſpecially conſtitute, and patent Letters duely and lawfully reſigned by Staff

and Baſton, as uſe is, in the hands of his Majeſties principal Theſaurer, and Theſaurer-Deput, and of the remanent Lords and others of his Highneſs Exchequer for the time, his Majeſties Commiſſioners having Power to receive Reſignations in his Highneſs Name, and thereupon to grant new Infeftments, as in the hands of his Majeſty Superior thereof, at —— the ——day of —— years, in favours and for new Infeftment of the ſame, to be made and granted to the ſaid Mr. *T. H.* and Heirs-male of his Body, whilks failzeing to the other Heirs-male Tailzie and Proviſion *reſpectivè* and *ſucceſſivè* above-ſpecified, heretably and irredeemably, in ſuch due and competent Form as accords, reſerving always to the ſaid *M. C.* of *R.* her liferent, of the Caſtle, Tower, Fortalice, and Mannor-place of *B.* with the haill Houſes, Biggings, Yards, Orchards, Dove-coats, Office-houſes, and others belonging thereto, lying within the precinct and Greens and Parks thereof, for her Reſidence and Habitation, and an yearly free Annualrent or Annuity of —— yearly in name of Dowry, to be uplifted by her out of the Lands and Barony of *B.* by vertue of her Contract Matrimonial, and Infeſtment following thereupon during all the days of her lifetime; As alſo reſerving to *C. C.* Dowager of *H.* Mother to the ſaid umquhil *C. E.* of H. her Liferent Proviſion of the Lands of *S.* and of the Annuity payable to her furth of the Lands of *T,* with the Pertinents, conform to her liferent Rights & Infeftments, granted to her thereupon during all the days of her lifetime and which Liferents reſpective in favours of the ſaid *M. C.* of *R.* and of the ſaid *C. C.* Dowager of *H.* with the ſaids liferent Rights and Infeſtments reſpective granted to them thereupon; His Majeſty with Advice and Conſent foreſaid, by thir preſents, Ratifies, Approves and Confirms in the haill Clauſes, Tenors and Contents thereof, diſpenſing with the generality foreſaid, and with this Proviſion and Declaration always, likeas by thir preſents, it is ſpecially provided and declared, that the ſaid Mr. *T. H.* and the Heirs-male of his Body, and remanent Heirs-male, Tailzie and Proviſion, *reſpectivè and ſucceſſivè* above-mentioned, ſucceeding in the ſaid Title, Dignity and Eſtate, ſhall be holden and obliged to ſatisfie and pay all the juſt and lawful Debts, Proviſions and others reſting by the ſaid umquhil *C. E.* of *H.* the time of his deceaſe, notwithſtanding of the ſaid Fee; Sicklike, and in the ſame manner as if they were ſerved and retoured Heirs to the ſaid umquhil *C.* E. of *H.* in the ſaids Lands and Eſtate, and as if they had not been provided to the Fee thereof: And ſicklike with this Proviſion and Declaration always, as by thir preſents it is ſpecially provided and declared, that if by deceaſe of the ſaid *J.* Lord *L.* without Heirs of his own body, it ſhall happen the ſaid Mr. *T H.* or the ſaid Mr. C. *H.* his youngeſt Brother, or Heirs of their Bodies appointed to ſucceed to the ſaids Lands, Dignity and Eſtate of *H.* by vertue of the ſaid Fee, Tailzie and Subſtitution above-written, to fall and ſucceed likeways to the Eſtate and Dignity of the Earldom of *R.* then and in that caſe, the ſaid Mr. *T.H.* or the ſaid Mr. C. *H.* his Brother and Heirs of their bodies, ſo ſucceeding to the Eſtate and Dignity of *R.* they ſhall be holden and obliged to reſign all Right competent, or that may be competent to them of the ſaid Eſtate and Dignity of the Earldom of *H.* and to denude themſelves thereof *omni habili modo,* in favours of their younger and immediat next Brother, and of the Heirs male of his Body, whilks failzeing in favours of the other Heirs of Tailzie and Proviſion *reſpectivè and ſucceſſivè* above-mentioned, with and under the haill Conditions, Proviſions, Reſtrictions, Limitations and Qualifications reſpective above and under-written, contained in this preſent Infeftment and Tailzie, with this Proviſion always, that the ſaid Mr. *T. H.* or the ſaid Mr. C. *H.* his Brother, and Heirs of their own bodies ſo ſucceeding to the ſaid Eſtate and Dignity of *R.* and denuding themſelves of the ſaid Eſtate and Dignity of *H.* in manner, and in the caſe above-expreſt, ſhall be free and every way liberat of all the Debts and Burdens of the ſaid Eſtate of *H.* and ſhall no ways repreſent

ſent the ſaid umquhil C. E. of *H.* and ſhall be ſufficiently liberat and relieved of all his Debts and Burdens which the ſaid Mr. *T.* H. or the ſaid Mr. *C. H.* his Brother ſucceeding ſhall happen to be reſting, or to which they may be rendred obnoxious or lyable, before they ſhall be holden and obliged to diveſt themſelves of the ſaid Eſtate and Dignity of H. in favours of the next and immediat younger Brother and his foreſaids, and that the ſaid Mr. *T.* H. or Mr. *C.* H. his Brother and their foreſaids (ſo aſtricted to diveſt themſelves in favours of their Brother next and immediatly younger, and his foreſaids as ſaid is) ſhall diveſt and denude with the Burden of the remaining Debts of the Family of H. and with which the ſame ſhall always remain affected, and that the ſaid next and immediat younger Brother, and his foreſaids ſhall be holden and obliged, and by the Acceptation of thir preſents, binds and obliges them, their Heirs and Succeſſors, to relieve the ſaid Mr. *T. H.* and his Brother and Heirs of their Bodies (ſo denuding in manner foreſaid) of the ſaids remaining Debts, and to grant all manner of Security (as well perſonal as real for that effect) to them before they be obliged to denude in manner above-expreſt: *And in like manner*, with this Proviſion and Declaration always, that all the ſaids Heirs of Tailzie and Proviſion above-written, as well Male as Female ſucceeding to the ſaids Lands, Earldom and Eſtate of *H.* ſhall be holden, aſtricted and obliged, and by the acceptation of thir preſents, oblige and aſtrict themſelves to one another in all time coming, to aſſume and take on the Sirname of *H.* and the Arms and cognizance of the Houſe and Family of *H.* and Dignities thereof, and not to uſe, carry, bear no other Sir-name or Arms, in the firſt place, in all time after their Succeſſion: *And likeways* the ſaids Daughters or Heirs Female ſucceeding to the ſaid Eſtate, by vertue of the ſaid Tailzie (if the time of their Succeſſion they ſhall happen not to be married) ſhall be holden aſtricted and obliged, and by the Acceptation of thir preſents, bind and oblige themſelves to Marry to a Nobleman or Gentleman of the Sirname of *H.* or who and their Heirs ſhall aſſume the Sirname of *H.* and bear and carry the Arms and cognizance of the Houſe and Family of *H.* *As alſo*, if the ſaids Daughters and Heirs-Female ſucceeding in the ſaid Eſtate ſhall happen to be married the time of their Succeſſion; Then and in that caſe, the ſaids Daughters and their Heirs of the ſaids Marriages, ſhall be alſo holden and aſtricted, and by the Acceptation of thir preſents, oblige and aſtrict themſelves to bear and carry the ſaid Sirname, Arms and Cognizance of *H.* of the Family of *H.* in all time after their ſucceſſion in manner foreſaid: *In which*, if they or any of them fail, the Party deficient and contravecning ſhall Forfeit, Tine and amit the Right of Succeſſion of the ſaids Lands and Eſtate, and the ſame ſhall come to be devolved upon, and pertain to the next and immediat Heir of Tailzie exiſting for the time, who ſhall have Right of Succeſſion thereto, and that by Declarator, Adjudication, Service or otherways as accords, and as uſe is in the like caſes, in manner above-written, *Providing nevertheleſs*, that if the ſaid Dignity and Eſtate of *H.* ſhall come and belong to the ſaid *J. L.* eldeſt lawful Son of the ſaid umquhil *C, E* of *H.* or his foreſaids, or to any other of the Heirs of Tailzie and Proviſion, above ſpecified, who alſo ſucceed to the ſaid Eſtate of *R.* and Dignity thereof wherefore the ſaids Lands, Eſtates and Dignities reſpective, or either of them ſhall happen to be confounded and ſupprett, that then and in that caſe, it is declared by thir preſents, that notwithſtanding the ſaid Condition and Reſtriction above-mentioned, it ſhall be always leifum and lawful to the ſaid J. Lord *L.* and to the Heirs-male of his body, or to any others of the Heirs of Tailzie and Proviſion reſpective above-rehearſed (Male or Female) ſucceeding in both the ſaids Eſtates and Dignities, to aſſume to themſelves, and take on the name of *L.* and Dignity of the Earldom of *R.* and to be called and deſigned Earls and Counteſſes of *R.* and

H. and to bear and carry the Arms and Cognizance of both Families of *R.* and *H.* in a Quadrat, Armor or Sheild (the Arms of the Family of *R.* being always placed in the first place) in all time thereafter, without contraveening or incurring of the said Clauses irritant, anent the Assumption of the Sirname and Cognizance. *Item*, with this Provision and Declaration always, that it shall be no ways lawful to the said *Mr. T. H.* nor to the Heirs-male of his body, neither to any others of the Heirs of Tailzie and Provision respective above-written, whether Male or Female succeeding in the saids Lands, Earldom and Estate above-specified, by vertue of the said Tailzie and Substitution, or to any of them to Sell, Annalzie, Dispone, Dilapidat or put away the saids Lands and Estate, or any Part or Portion thereof, nor to innovat or infringe this present Tailzie, or to Contract or undergo Debts, neither to Act or commit any other Fact or Act Civil or Criminal, upon which the said Earldom and Estate may be any ways Appryfed, Adjudged, Evicted or Forfeited, or any ways affected in prejudice and defraud of the subsequent Heirs of Tailzie above-mentioned *successivè*, according to the Order and Substitution above-written, neither shal it be lawful to the said Mr. *T. H.* or his foresaids, nor to any others of the Heirs of Tailzie and Provision above-specified, to permit the saids Lands and Estate, or any part thereof to be evicted, Adjudged, Appryfed, or any ways affected for any Debts or Deeds contracted or committed by them before their Succession or by any of their Predecessors whom they shall any ways represent, or in which they may be lyable and subject as Representatives to them; All which Facts and Deeds are not only by thir presents declared void and null by way of Exception or Reply, and without Declarator, in so far they may Burden and affect the said Estate: *But also* it is hereby provided and Declared, that the Heirs-male and of Tailzie aforesaid, who shall contraveen and incur the saids Clauses irritant, or any of them, whether by not assuming the said Sirname Arms and Dignity of *H.* of H. or by the saids Heirs-Female, being unmarried, and not marrying to a Nobleman or Gentleman of the Sirname of H. or who, and their Heirs shall not assume the said Sirname, and bear and carry the Arms and Cognizance thereof, or the saids Heirs-Female existing being married to them, and their Heirs of the saids Marriages, by not assuming and bearing the said Sirname, Arms and Dignities as said is, or who shall infringe and innovat the said Tailzie, or shall contract Debt, or commit any other Fact whereupon the saids Lands, Earldom and Estate, or any part thereof, may be any ways evicted or affected in manner foresaid, or who shall suffer and permit the saids Lands and Estate (or any part of the same) to be Evicted, Adjudged, Appryfed, or any other way affected for any Debts or Deeds contracted or committed by them before their Succession, or by any of their Predecessors whom they shall represent, and in which they may be lyable and obnoxious, as representing them any manner of way, that then and in either of the saids cases, the person or persons (so contraveening as said is) shall forfeit, amite and tyne their Right of Succession of the saids Lands and Estate, and all the Infeftments and pretended Rights thereof in their persons shall thereafter expire and fall and become extinct, void and null *ipso facto*, by way of Exception or Reply, and without Declarator in manner foresaid, and the same shall devolve, fall and pertain to the next and immediat Heir of Tailzie for the time existing, who by vertue of the Tailzie and Substitution aforesaid, is appointed to succeed to the saids Lands, Earldom and Estate, to whom it shall be lawful to be served as Heir in special therein, to those who dyed last Infeft before Contravention, and thereupon to be retoured and Infeft, or otherways to prosecut by Declarators, Adjudications, or other legal Sentences which may establish formally and effectually, the Rights of the saids Lands and Estate in their persons, and to the remanent Heirs of Tailzie who are to succeed to them in

manner as is above provided, (and with and under the Reservations, Burdens, Conditions, Provisions, Limitations, Restrictions and Qualifications respective above-specified) and without any acknowledgment of, or any ways being subject to the Debts or Facts of the person Contraveener, so that the said Tailzie according to the genuine Intent and purpose of thir presents, shall stand inviolable and irrefragable in all time coming, (any Law, Practique or Constitution whatsoever made or to be made in the contrary, notwithstanding) Declaring nevertheless, that (notwithstanding the said Limitation and Restriction above-writen) it shall be lawful to the said *Mr. T. H.* and his foresaids, and remanent Heirs of Tailzie and Provision above-mentioned, to Burden and affect the saids Lands and Estate with the haill just and lawful Debts and Burdens due by the said unquhil *C. E.* of H. the time of his decease, and that shall not be satisfied and payed by his Moveables and otherways, and also to provide competent and convenient Liferents, Portions and Provisions to their Husbands, Ladies, Children and Grand-Children, such as the said Estate may conveniently perform and bear, and as by two of the neareſt lawful Friends, one on the Fathers side, and one other on the Mothers side shall be concerted and judged convenient, the saids Liferents in favours of the Husbands and Ladies, not exceeding —— at one and the same time, and the saids Portions and Provisions in favours of the said Children, not exceeding the Sum of —— and to grant Bonds, Wodsets, Infeftments and other Securities requisit thereupon, and with the which the saids Lands and Estate shall be affected, notwithstanding the Provision and Restriction above-mentioned, *Providing* always, likeas by thir Presents it is Provided and Declared, that the said Master *T. H.* and his foresaids, and remanent Heirs of Tailzie and Provision above-specified, succeeding in the saids Lands, Earldom and Estate, shall be holden and obliged, and by the Acceptation hereof Bind and Oblige themselves and their foresaids no ways to suffer and permit the saids Lands and Estate (or any part thereof) to be Adjudged or Appryſed for the saids Debts, Sums of Mony, Portions and Provisions *respective* above-written, (for which they have power to Burden the saids Lands and Estate in manner above expreſt) at least to permit the Legal Reversions of the said Appryſings or Adjudications to expire, from whence the said Tailzie for Preservation of the said Estate is appointed and intented, may be any ways rendred ineffectual or fruſtrat,, and that at least within the space of one year before the Expiration of the Legal Reversions of the saids Appryſings or Adjudications, according to the time prescribed by Act of Parliament, or by any supervenient Law; and if the saids Heirs-male or of Tailzie and their foresaids delay and procraſtinat to redeem and purge the saids Appryſings or Adjudications, then and in that case, they shall not only amit and tine all Right of Reversion or other Right of the Law competent, to them, to the said Estate, but also it shall be lawful to the next and immediat Heir of Tailzie (for the time existing) to interrupt and intercept the Expiration of the Legal Reversion of the saids Appryſings or Adjudications *respective*, any time within an year before the Expiration thereof, or to Compone, Settle and Transact for the same, for their own proper use, the saids Right being always bought and acquired to the Existant, (with and under the haill Reservations, Burdens, Conditions, Provisions, Restrictions and Limitations of the said Tailzie, and that cumulative, and besides and beyond, and without prejudice of the saids other Clauses irritant, and Restrictions above-specified, with and under the whilks haill Conditions, Provisions, Reservations, Burdens, Restrictions, Limitations and Qualifications *respective* above-mentioned, the said Right of Tailzie, Resignation, and this present Infeftment are granted and accepted, and no otherways, as authentick Instruments taken upon the said Resignation, in the Hands of *J. M.* Nottar-

Publick, in themselves more fully proport. *Moreover*, his Majesty out of his Regal Authority, and Kingly Power (with Advice and Consent foresaid,) has of new United, Annexed, Erected, Created and Incorporat, and by thir Presents, Unites, Annexes, Erects, Creats, and Incorporats, all and haill the saids Lands, Earldom, and Estate of *H*, above-written, with all their Pertinents, in an haill and free Earldom, Lordship, and Barony, to be called now (as formerly) and in all time-coming, the Earldom of *H*, Lordship and Barony of *B*, and *B*. *Ordaining* the Tower, Fortalice, and Mannor-place of —— to be the principal Messuage of the said Earldom, Lordship, and Barony; and his Majesty Wills and Grants, and for his Highness and his Royal Successors, (with Advice and Consent foresaid) Decerns and Ordains, that an Seasin now to be taken by the said Master *T. H*, and by his Heirs Male and of Tailzie aforesaid, in all time-coming, at the said principal Messuage, or upon the Ground of any other part of the saids Lands and Earldom, shall stand good and valid, and be an sufficient Seasin to them for all and sundry the saids Earldom, Lordship and Barony, comprehending the several Lands, Lordships, Baronies, Burghs of Barony, Regalities, Jurisdictions, Liberties, Priviledges, Heretable-Offices, Milns, Woods, Fishings, Rights of Patronage, Teinds, Tenements, and others respective above-rehearsed, with all their Pertinents, notwithstanding they ly discontigue, and within divers Sheriffdoms and Jurisdictions, whereanent, and with all that may follow thereupon, his Majesty for him and his Royal Successors (with Advice and Consent foresaid) has dispenced, and by thir Presents dispenses for ever, *to be Holden*, and for to Hold, all and haill the said Earldom of *H*, Lordship and Barony of *B*, and *B*. comprehending the haill Lands, Lordships, Baronies, Burghs of Barony and Regality, Jurisdictions, Heretable-Offices, Milns, Woods, Fishings, Rights of Patronages, Teinds, Tenements, and others respective, particularly and generally above-mentioned, with all their Pertinents, all lying, designed and erected in manner above-written, to the said Master *T. H*, and to the Heirs Male of his own Body, whilks failzieing, to the other Heirs Male, Tailzie and Provision respective and successive above-specified, Heretably and Irredeemably (with and under the haill Reservations, Conditions, Provisions, Burdens, Restrictions, Limitations and Qualifications respective above-rehearsed) of his Majesty and his Royal Successors, in free Earldom, Lordship, and Barony, Fee and Heretage for ever, by all Rights, Meiths and Marches of the same, old and devised, as the same ly in length and breadth, in Houses, Biggings, *&c*. Hawking, Hunting, *&c*. Milns, Woods, Fishings, *&c*. Coals, Coal-heughs, *&c*. Courts, Plents, *&c*. Furk, Fos, *&c*. Pit and Gallows, *&c*. with all and sundry other Liberties, *&c*. freely, quietly, *&c*. but any Revocation, *&c*. *Giving* therefore yearly the said Master *T. H*. and Heirs Male of his Body, whilks failzieing, the other Heirs Male and of Tailzie and Provision respective and successive above-specified, to his Majesty and his Royal Successors, the Feu-duties, Blansh-duties, and other Duties and Services respective under-written, *viz*. for the said Monastry, and Precinct of *M*. with the Tower, Fortalice, Mannor-Place, Houses, Biggings, and Pertinents thereof, the Sum of Ten shilling usual Mony of the said Kingdom of *Scotland*, at two Terms in the year, *W*. and *M*. in Winter by equal Portions, in name of Feu-duty allanerly, for all and haill the saids Tenements, Aikers, and Portions of Land of *M*. called *Little-Fordel*, with the Pertinents, extending to Thirty one Tenements and Portions of Land, and Thirty one Aikers of Land, the Sum of Thirty one Pounds Mony of the said Kingdom of *Scotland*, in Name of Feu-duty yearly; and for the Ten Services of each of the saids Houses and Aikers of Land, the Sum of Five shilling *inde*, Seven Pounds and Fifteen shilling, together with Five shilling Mony foresaid in augmentation of his Majesties Rental, extending in the haill to the Sum of Thirty nine Pounds Mony above-

above-written, yearly, at two Terms in the year, *viz.* *W.* and *M.* in Winter, by equal Portions; as alſo, the Heirs Male and Succeſſors of the ſaid Maſter *T. H.* doubling the ſaid Feu-duty at their Entry to the ſaids Lands, as uſe is of Feu-farm allanerly, and likeways giving and performing three Suits at his Majeſties three Head-Courts, to be holden at the ſaid Burgh of *M.* yearly, as the ſame falls out.

Nota, *The* Reddendo *of the Abbacy containing many Lands, and for the moſt part, each Land its particular* Reddendo, *with the Services, & Cuſtoms and moſtly payed at the Terms aforeſaid, I judge it unneceſſary to inſert the ſame, but convenient for Information, I give an account of ſome particulars, that if the like occur, men may not be Strangers to the ſame, and when concerned, the Infeftments will lead them to it.* 1. *All Victual, Cuſtoms, Services, and others, are converted as follows,* viz. *each Boll of Wheat to* 10 *ſhilling, each Boll of Bear to* 8 *ſhilling, each Boll of Oats and Oat-Meal to the like Price, each Capon to* 8 *pennies, each Carriage* 6 *pennies, and each Poultry* 4 *pennies,* in optione ſolventis; *only there is a diſtinction in Meaſures, for ſometimes they pay Girnal-Meaſures, being* 13 *Pecks for the Boll; ſometimes Mercat-Meaſure; and at other times Country-Meaſure; and in this the conſtant Rule is to be obſerved.* 2. *The Ferry-Boat pays* 12 *ſhilling, with one ſhilling and* 4 *pennies in augmentation.* 3. *Some Lands pay* 30 *pound* Scots *in Excambion or Exchange of three Chalders Bear which was the Ancient Duty, and other Lands are Thirled to the Miln of* M. *and obliged to pay the accuſtomed Multures.* 4. *Some Lands pay ſome of their Feu-duty in Mony with* 20 *Stone of Butter, or* 6 *ſhilling and* 8 *pennies for each Stone thereof, in the option of the Payer.* 5. *For the Town and Burgh of Regality one* Shilling Scots *at the Feaſt of* W. *in name if Blanſh-farm if required allanerly,* (6) *for the Teind Shaves and other Teinds an penny Mony foreſaid at* Whitſunday *in name of Blanſh-Farm if required allanerly, and to pay to the Miniſter of* M. *the number and quantity of —— Victual, and —— Money, as a part of his Stipend of —— provided to him by the Infeftment of Erection of the ſaid Lordſhip and Barony of* M. *and furniſhing yearly Bread and Wine how often neceſſary, for Celebration of the Communion at the ſaid Church of* M. *and exonering and relieving the ſaid Miniſter and his Succeſſors of all Taxations and Burdens whatſomever to be impoſed upon the Teinds, Fruits and Rents of the ſaid Church of* M. *and of all Reparation of the ſaid Church of* M. *in all time coming;* (7) *for the Lands of B. and others, the Vaſſal pays* Servitium liberi Domini & Baronis, in Parliamento noſtro, (8) *the Lands and Barony of* C. (*being a Priorie*) *holds Feu, and the Lands, Lordſhip, and Barony of B. Stock and Teind, and what els annexed thereto* (*except the Church Lands of B. called the Viccars Land and others annexed to the ſaid Vicary*) *hold Blanſh for payment of an Pair of Gloves at* W. *in name of Blanſh Farm allanerly, but the Church Lands* (*excepted*) *pay a particular Duty,* nomine Feude firmæ. 9. *The Town, Lands and Mains, or Dominical Lands and Miln of D. pay a certain Feu-duty, and the two Quarter of* N. &c. *and Priviledges thereof pay alſo a certain Feu Duty, and obliged to build and uphold thereupon, an ſufficient Hall, Chamber, Kitchen, Byre, and to make all other Policie correſpondent to the ſaids Lands, and to pay the Miniſters Stipend effeiring, and to build, repair and ſuſtain the Quire of the Church, and to pay all Taxations and Impoſitions affecting the Church or Teinds, or thereupon to be impoſed* pro futuro, *and to furniſh the Communion Elements* (*when the Communion is celebrat*) 10. *They are obliged to pay for the Priviledges of* Gledſmuire *Loan and Loch an pennie* ſcots *Mony at* W. *yearly,* nomine albæ firmæ

si petatur tantum. 11. *They are bound to pay for the* Lands *and* Barony *of* S. *and* Patronage *of the* Chappel *of* St. Nicolas, *and for the Aikers adjacent and annexed to the said* Barony, *with the* Teinds *and* Pertinents *thereof, an* White Rose (super solo) *at the Feast of* John the Baptist *yearly (in name of* Blansh Farm) *if required allanerly, and for the* Lands *and* Barony *of* C. (*comprehending the particular* Lands, Milns, Woods, Fishings, Burgh *of* Barony *and others annexed thereto*) *an penny* Mony *foresaid at the* Principal Messuage *of the said* Barony *of* C. *yearly at* W. *in name of* Blansh Farm *if required allanerly, and for the* Lands, Barony *and* Regality *of* D. *comprehending as in the* Signature *an penny* Mony *foresaid* super solo, *at the Feast of* W. *yearly, in name of* Blansh Farm *if required allanerly.*

After the Reddendo, *fully insert these words following,* for all other Burden, Exaction, Question, Demand, or secular Service which may be any ways justly asked or required by whatsomever person or persons, furth of the saids Lands, Earldom, Lordships, Baronies and others *respective* above-written, with the Pertinents, *and that the said Charter be extended in most ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon, in Form as effeirs.* Given at

Having now put a period to this Signature, (*but briefly as to Lands and Reddendo*) *I cannot* (*without doing Injustice*) *omit one Point more, that occurs to me in this* Reddendo *as to the Abbacy or other Church-Lands in this Signature,* viz. *That albeit by Act of Parliament, if two years run together, and* multo magis (*when by the very Feu, it is declared, that if two Terms run in the third and the like, the Feu-duty not payd*) *the Feu shall fall, yet by this Signature, and former Charters and Conveyances* (*under the Great Seal*) *these Irritances are dispensed with, and expressly declared, that* (*notwithstanding of any such Contravention.* ob non solutum Cannonem) *the Vassal may possess, only the King by his Officers may poind the Ground for the Feu-duty.* And next, *I observe, that as some of the Lands* (*which pay but a small Feu-duty*) *are duly lyable for the Duplication at the Entry of the* Heir, *so in other Lands that pay a great Feu-duty* (*what betwixt the simple Feu-duty and great Customs and Carriages*) *the usual Duplication* (*at the Entry*) *is stinted or taxed to a far lesser Sum, which should make all men love Soveraignity, for where that is Royal Favour is always lodged, and extended to Subjects and deserving persons* (*as this Gentlmans Grand-father was*)

In the next place, I ingeniously declare I would not have set down the Reddendo (*being out of my Road as to Stile, seing all Charters bear the same*) *but the truth is, some Writers are Strangers to the Form of Chancellary, and on* (*now dead*) *was Clerk to a Service, and therein returned the Brief,* qua ad *the Boll* (*which were many, and even Abbot Lands too*) *but forgot the Conversion at the six shilling 8 d. the Boll of Bear, &c, and so furth as to the other Grains, and as to the Customs and Services also converted, but omited, and this being returned, Precept under the Quarter Seal thereupon directed, and Seasin given by the Sheriff accordingly, upon the Gentlemans Obligation to relieve him at the Exchequers hands, when the Responde came in play, and the Sheriff who had given Seasin*) *to fit his Exchequer according to the* Capiendo securitatem *in the Precept, the Charge drew deep, and the honest Gentleman concerned, forced to make Application to the Lords of the Thesaury, and represent the Writers Er-*

or

ror, omitting the Converſion, and they moſt juſtly ordained the Prices in the Reddendo to be only taken (what retoured to, as to the Bolls and Reſponde made thereupon, being per errorem *) ſo that all Clerks to Services when they have to do with Kirk-Lands eſpecially) ſhould be circumſpect as to Converſions when they ſhould take place and become the Rule (as more fully appears in my laſt part of the Work, treating upon Services) And at times by the Reddendo, the Vaſſal is bound not only to pay Victual, Mart, Wadders, Kids, Loads of Peats, Turffs, Carriages and the like (which may be converted or no in Money, yet ſtill cleared by their Reddendo) but alſo is bound to pay a Silver Duty, and in the Reddendo (as to the Entry of the* Heir) *it only bears,* & duplicando dictam feudefirmam pecuniariam primo anno introitus cujuſlibet hæredis, *and ſo clears, that the Money or Silver duty is only to be doubled, and not the Victual, and in this I have ſeen ſome err in Services, in only ſaying* duplicando dictam feudefirmam (*without adding* pecuniariam) *and ſo the Vaſſal wronged, whereas if men advert to the Reddendo, and make it their* Rule *without Addition or Diminution, they neither wrong the Superior or Vaſſal, and ſo much by way of Animadverſion in ſuch caſes.*

SIGNATURE of Reſignation of the Eſtate of S. *in favours of A. Lady* S. *and of F. Lord* G. *her Husband in liferent, and of* F. Mr. *of* S. *their eldeſt Son in Fee, and of the* Heirs-male *of his body, whilks failzeing of the other Heirs-male and of Tailze after-ſpecified, and contains many good and ſingular Clauſes, and one touching Religion, and that any who alters or changes, ſhall* ipſo facto *amit and tyne the* Right *of Succeſſion, and next in this, contrair to other Tailzies, failzeing of the eldeſt Son and* Heirs-male *of his body, it deſcends downward, and gradually upon all the Brethren and* Heirs-male *of their body, and then and not till then reverts to, and deſcends upon the eldeſt* Female *of the eldeſt Son, and ſo downward upon the Females of all the Sons or Brethren (with a preference ſtill to the eldeſt without Diviſion and Marrying a Gentleman of the* Name *of* S. *or who will aſſume the Sirname, Arms and Cognizance of the Family of* S. *and the Eſtate holds partly of the King as King, and partly as Prince and Stewart of* Scotland, *and have the reſpective* Reddendos *accordingly payed and diſtinguiſhed.*

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) Ordains a Charter to be made and paſt under his Majeſties Great Seal of the ſaid ancient Kingdom, in due and competent Form, Giving, Granting and Diſponing, and for his Highneſs and his Succeſſors perpetually confirming; Likeas, his Majeſty by thir preſents, (with conſent foreſaid) gives, grants and diſpones, and for his Highneſs and his Royal Succeſſors perpetually confirms to his Majeſties well beloved Couſins, Lady *A.* S. Lady of S. and to *F.* Lord G. her Husband, and to the longeſt Liver of them two in Liferent, and to *F.* Mr. of S. their eldeſt lawful Son, and to the Heirs-male lawfully to be procreat of his body, whilks failzeing to R. *S.* their ſecond lawful *Son*, and to the Heirs-male to be procreat of his body, whilks failzeing, to *J.* S. their third lawful Son, and to the Heirs-male to be procreat of his body, which failzeing, to *A.* S their fourth lawful Son, and to the Heirs-male to be procreat of his body, whilks failzeing to the other Heirs-male to be procreat of the ſaid Lady *A.* S. and *F.* Lord G. their bodies, and to the Heirs male of their bodies, whilks failzeing to the Heirs-female procreat or to be procreat of their bo-

dies, and to the Heirs male of their bodies, whilks failzeing to the Heirs-female to be lawfully procreat of the ſaid *F.* Mr. of S, his body, and to the Heirs-male of their bodies, whilks failzeing to the Heirs-female to be procreat of the ſaid R. S. his body, and to the Heirs-male of their Bodies, whilks failzeing to the Heirs-female to be procreat of the ſaid *J.* S. his body, and to the Heirs-male of their bodies, whilks failzeing to the Heirs-female to be procreat of the ſaid *A.* S. his body, and to the Heirs-male of their bodies, whilks failzeing to the Heirs to be procreat of the ſaid Lady *A.* S. her body in any other Marriage, and to the Heirs of their bodies; whilks failzeing to the Heirs-female to be procreat of the Heirs-female their own bodies, (the eldeſt of all the Heirs-female in all the caſes aforeſaid ſucceeding without diviſion) whilks failzeing, to any perſon or perſons whilks the ſaid Lady *A.* S and *F.* Lord of *G.* ſhall nominat and appoint by any Writ under their Hands at any time during their conjunct Lifetimes allanerly; Whilks failzeing to the ſaid Lady *A.* S. her Heirs and Aſſigneys whatſoever in Fee, heretably and irredeemably (with and under the Reſervations, Proviſions, Conditions and Declarations under-written, and with the Burden thereof, and no otherways) *all and haill* the Lands, Baronies, and others particularly and generally after-ſpecified, *viz. all and haill* the Lands and Barony of S. with the pertinents, comprehending all and haill the Lands of Caſtle S. with the Park. Caſtle and Loch thereof, called *L.* (here the other Lands, Teinds, Patronages and others were inſert, and then all unite, erected, annexed, creat and incorporat in a haill and free Barony, called the Barony of S. and a Seaſin to be taken at the Mannor-place of *C.* S. or upon the ground of any other Part of the ſaids Lands, ordained to ſtand good, valid, and be ſufficient for the haill other Lands, Barony, and others above-written; Together with all and ſundry other Lands, Baronies, Churches, Teinds, Patronages, Mins, Woods, Forreſts, Fiſhings, Offices, and others whatſomever, which pertained, or fell, accreſſed or belonged to umquhil *R.* Lord *S.* of *G.* or *F.* Lord S. at any time during their lifetimes, of whatſoever Name, Title, Meith or Deſignation they be of, and wherever they ly within or without the ſaid Kingdom of *Scotland*, with the Stile, Honour, Order and Dignity of Lord S. together alſo with all other Honours, Titles, Dignities, Preheminencies, Privileges, Liberties and Immunities pertaining thereto, with the Teind-ſheaves and other Teinds, as well great as ſmall, Parſonage and Viccarage of the ſaids Lands and others above-written, with the Reverſions thereof, together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, whilks his Majeſty or his moſt Noble Progenitors had, have, or any ways may have, claim or pretend thereto; *Reſerving* always liberty to the ſaid *F.* Lord *G.* and Lady *A.* S. during their Conjunct-Lifetimes, and to the ſaid *F.* Lord *G.* (if he ſurvive) to Wodſet and Diſpone Heretably, any Ground that ſhall happen to be drained in the Loch of *C.* S. (*alias* Lochquhynoch) to the Children of the ſaid *F.* Lord *G.* procreat or to be procreat; *As alſo*, Reſerving to the ſaid *F.* Lord *G.* and Lady *A.* S. during their Conjunct-Lifetimes, the Liferent-Right of the ſaids haill Lands, Baronies, Teinds, and others above-ſpecified; *And ſicklike*, Reſerving to the ſaid Lady *A.* S. (if ſhe ſurvive) the Liferent-Right of the juſt and equal half of ſo much of the ſaids Lands, Baronies, and others above-mentioned, as ſhall pertain to them, or be in their Poſſeſſion, the time of the deceaſe of the ſaid *F.* Lord *G.* after deduction of the Annualrents of the juſt and lawful Debts due by them and their Predeceſſors, or preceeding the date of thir Preſents, or by vertue of the Reſervations after-mentioned; *And likeways* Reſerving full Power and Liberty to the ſaid *F.* Lord *G.* and Lady *A.* S. in Conjunct fee, or to any of them who ſhall ſurvive, to ſell, annailzie, wodſet, and diſpone any part of the Lands aforeſaid, for ſatisfying the Debts at preſent reſting by them or their Predeceſſors, to any or all of their Creditors,

and

and which Venditions, Diſpoſitions, or Impignorations, ſhall be als valid and ſufficient to the Receivers for the end foreſaid, as if this preſent Right and Infeftment had never been made or granted in favours of the ſaids Heirs of Tailzie: *And in like manner*, Reſerving Power and Liberty to the ſaid *F.* Lord *G.* and Lady *A* S. during their Conjunct-lifetimes (notwithſtanding of the Fee granted to the ſaid *F.* Maſter of *S.* and the other Heirs of Tailzie as ſaid is) to Contract Debts for Proviſion of Children, to the extent of ſuch Portions and Proviſions, as they ſhall judge neceſſary, not exceeding —— thouſand Merks *Scots* Money, and to grant Perſonal Obligations or Infeftments on the ſaids Lands, and others above-ſpecified, for the ſaids Debts and Proviſions, with the Burden thereof, and of all other Debts already contracted, and of all Obligations or Deeds, to which they or either of them are obliged before the date of thir Preſents granted, and whilks the ſaid *F.* Maſter of S. and their other Heirs of Tailzie aforeſaid, ſhall be holden aſtricted and obliged to ſatisfie, fulfil and perform, in the ſame way and manner as if they ſucceeded to them or either of them in the Lands and others above-ſpecified, and as if they were ſerved and retoured Heirs to them, or either of them therein. *And farder*, it is expreſly Provided and Declared, that it ſhall not be lawful to the ſaid *F.* Maſter of S. and to the other Heirs of Tailzie aforeſaid, to ſell, annailzie, and diſpone the Lands and others foreſaids, or any part thereof, heretably and irredeemably, or under Reverſion, in or moe, or to grant Infeftments of Annualrent, or Annuities forth thereof, or to give out the ſame in Tack or Aſſedation, with diminition of the true Avail or Rental that the ſame payed before theſe Aſſedations, nor to contract Debt, or to do or commit any other Facts, (except for payment and ſatisfaction of ſuch Debts which affect the Family, at his or their entry to the ſaids Lands) whereby, according to the Laws and Cuſtom of the Kingdom, the ſame may be evicted, appryſed or adjudged from them; neither ſhall it be lawful to them, or to the ſaid Lady *A.* S. or F. Lord *G.* to break, innovat, or infringe the ſaid Tailzie in the courſe of Succeſſion above-written, in prejudice of the Heirs thereof above-ſpecified; and if they, or any of the ſaids Heirs of Tailzie ſhall do in the contrair in any part of the Premiſſes, not only the Tailzies made ſhall be null and void in themſelves, and not at all to infer any Tye and Obligation, Action, or Execution, perſonal or real againſt the next Heir of Tailzie, or the Lands and others above-written, but alſo the perſons ſo doing in the contrary, and the Heirs of Tailzie of their Bodies, ſhall *ipſo facto* forfeit amit and tine all Right, Title, and Intereſt, whilks they have or can pretend to the ſaids Lands and others above-mentioned, and belong, deſcend and pertain to the next Heir of Tailzie appointed to ſucceed, the ſame way and manner, as if the Contraveeners and Heirs of their Bodies had never been *in rerum natura*, and it ſhall be lawful to the next Heir of Tailzie to put and eſtabliſh the Right of the ſaids Lands and others foreſaids in his own perſon, by Service and Retour, to the perſon immediatly preceeding the Contraveener, or by way of Declarator, Adjudication, or any other manner of way conſonant with the Laws of the Kingdom, and ſhall be no ways lyable to any Debts or Deeds of the Contraveener, which ſhall be void and null in themſelves, and the ſaids Lands and others foreſaids, ſhall be free, and exonered, and liberat of the ſame. *And* notwithſtanding the prohibitive Clauſe aforeſaid, and Clauſe irritant above-written, it is expreſly Provided and Declared, that it ſhall be leiſum and lawful to the ſaid F. Maſter of S. and to his Heirs Male and of Tailzie above-ſpecified, to grant competent Liferent-proviſions in favours of their Ladies that they ſhall happen to marry, not exceeding the Sum of —— Merks *Scots* Money yearly, in full contentation and ſatisfaction to them of all right of Terce that they may acclaim out of the ſaid Eſtate: *As alſo*, by thir Preſents, it is Provided, that it ſhall be leiſum and lawful to the ſaid F. Maſter of S. and to the ſaids Heirs

of Tailzie, to provide their Children (beſides the Heir) to competent Proviſions, not exceeding the Sum of —— Merks *Scots* Money in any Marriage. And ſicklike, by thir Preſents, it is provided and declared, that the ſaid F. Maſter of S. and the ſaids other Heirs of Tailzie, ſhall not permit the Lands and others above-written, to be appryſed or adjudged for any Debts or Proviſion of Children, which ſhall happen to be reſting at their deceaſe, but ſhall be holden and obliged to ſatisfie the ſaids Debts and Portions out of the Profits and Duties of the ſaids Lands; and if it ſhall happen any Appryſing or Adjudication to be led and deduced for the ſame, then and in that caſe the ſaid F. Maſter of S. and his foreſaids, ſhall be holden and obliged to redeem, looſe, and out-quite the ſame in due time, at leaſt within year and day before the expiration of the Legal, and if they be negligent, it ſhall be lawful to the next Heir of Tailzie, to impede and interupt the running or expiration of the Legal, and to redeem the ſame, and he or they for their ſaid neglect, ſhall amit and tine the Right of the Lands above-ſpecified, and the ſame ſhall deſcend upon, and pertain to the next Heir of Tailzie whoſe it is to ſucceed, and who interrupts and interpels the running of the ſaid Adjudication and Appryſing. *Moreover*, it is expreſly Provided and Conditioned, that the ſaid F. Maſter of S. and his foreſaids, ſhall timeouſly ſatisfie and pay the Feu-duties, Blanch-duties, and other Duties *reſpective* due to the Superiors of the ſaids Lands, and others foreſaids, and not to ſuffer the ſame to fall in the Hands of the Superiors, or be evicted for not timeous payment thereof, & it ſhall be lawful to & in the power of the next Heir of Tailzie, to ſatisfie the ſaids Feu-duties, Blanch-duties, & other Duties for impeding the courſe of the ſaid Eviction, and that he ſhall have recourſe againſt the Fiar for the time, and the ſaids Lands for payment thereof: *And farder*, it is Provided and Declared, that the Heirs of the ſaid F. Maſter of S, ſhall not lye out unentered in the ſaids Lands and others foreſaids, when it ſhall happen them to ſucceed thereto, but ſhall obtain themſelves timeouſly Entered and Infeft, for interrupting and impeding the courſe of Non-entry. *As alſo*, it is Provided and Declared, that if any of the Heirs-Male or Female aforeſaid, whoſe it is to ſucceed to the ſaids Lands and others above-written, ſhall aſſume or betake themſelves to religious Orders, and enter themſelves therein, and ſhall not continue ſecular perſons, that in that caſe, and from that time or thence furth, they ſhall amit and tine the Benefit of the ſaid Tailzie and Succeſſion, and the ſame ſhall appertain and belong to the next Heir of Tailze, to whom and in whoſe favours, the perſon entering in religious Orders, ſhall be holden to diſpone and Reſign the ſaids Lands, and the ſame from that time ſhall be redeemable by the next Heir of Tailzie from the ſaid perſon, entring in religious Orders by payment of ten Merks *ſcots* Money; and likeways it is expreſly Provided and declared that if the Lands and others foreſaids ſhall fall to and deſcend upon the Heirs Female, that in that caſe the eldeſt Heir Female ſhall ſucceed thereto, in haill without diviſion, and ſo furth ſucceſſively, and that they and their Deſcendants ſucceeding to the ſaid Eſtate, ſhall be holden to aſſume the Name and Arms of *S.* and to marry a Gentleman of the Sirname of *S.* or of any other Sirname, who and the Children of the Marriage ſhall be holden and obliged to aſſume, take and uſe the Sirname of *S.* and the Arms of the Houſe of S. and in caſe the Heir Female ſo ſucceeding ſhall happen to be married the time of her Succeſſion, her Husband ſhall be holden to change his own Sirname, and he and all the Children of the Marriage ſhall be holden to take and aſſume the Sirname of *S.* and Arms of the Houſe and Family of *S.* and if they do not take the ſaid Sirname and Arms, or if in any time threafter they deſiſt or leave off ſo to do, the perſon ſo doing or coming in the contrair, ſhall *ipſo facto* loſe and tine the Right, and ſhall be obnoxious and liable to all the Clauſes irritant and Reſolutive, and the ſaid Eſtate ſhall deſcend to the next Heir of Tailzie;

and

and ſicklike by thir preſents it is provided&declared,that the Husbands of ſuch HeirsFemale ſo ſucceeding to the ſaids Lands &others above-written, ſhall have noRight by theCuriality orCourteſie of *Scotland*,to enjoy the Liferent Right of the ſaids Lands after the deceaſe of their Ladies or Wives, but the ſaids Lands and others foreſaids ſhall immediatly deſcend upon and appertain to the next Heir of Tailzie, according to the Order and Courſe of Succeſſion aforeſaid, and that notwithſtanding of any Law, Cuſtom or Conſtitution in the contrair, *Notwithſtanding* it is declared that it ſhall be lawful to the ſaids Heirs Female to provide their Husbands to an competent Liferent, not exceeding the half of the free Eſtate, (the Annualrents of all the Debts firſt deducted) and in like manner, it is provided and declared that the Heirs Female and Deſcendants of their Bodies ſhall be holden to obſerve and throughly fullfill all the Proviſions above-mentioned, and in caſe of Faillour and Deteſt, they ſhall be obnoxious and liable to all the Clauſes irritant above-expreſt, (with and under the which Proviſions and Declarations thir Preſents are granted and accepted, and no otherways) Whilks Lands, Baronies and others above-written, with the Pertinents lying and deſigned in manner foreſaid, pertained heretably off before to the ſaid Lady *A. S.* and *F.* Lord of *G.* holden by them of his Majeſty and Royal Succeſſors as Superiors thereof, and were by them and their lawful Procurators in their names: to that effect, ſpecially conſtitute, and Patent Letters contained in and by vertue of the Procuratory of Reſignation granted thereanent, dated the —— day of —— —— years, with all Right, Title, Intereſt and Property, purely and ſimply, by Staff and Baſton as uſe is, (with and under the Proviſions and Declarations above-ſpecified) duely and lawfully reſigned in the hands of the Lords Commiſſioners of his Majeſties Exchequer, having his Highneſs Power to receive Reſignations, and thereupon to grant new Infeftments, at *Edinburgh*, the —— day of —— —— years, in favours, and for new Infeftment thereof, to be made and granted to the ſaids Lady *A. S.* and *F.* Lord of *G.* her Husband, and to the longeſt Liver of them two in Liferent, and to the ſaid *F.* Maſter of *S.* their eldeſt lawful Son, and to the Heirs Male lawfully to be procreat of his Body, whilks failzieing (all th other Heirs of Tailzie in theOrder foreſaid, are taken in in the principalSignature,but omitted here *brevitatis cauſa*, being but the ſame in the diſpoſitive Clauſe. *And in the laſt place thereof*, follows) which failzieing to the ſaid Lady *A. S.* her Heirs and Aſſigneys whatſoever heretably and irredeemably, (with and under the Reſervations, Proviſions, Conditions and Declarations above-mentioned, and with the Burden thereof and no otherways) in due and competent Form, as accords ; as authentick Inſtruments taken thereupon in the hands of —— Nottar publick in themſelves more fully proport : *To be holden*, and for to hold all and ſundry the ſaids Lands of *C. &c.* with the Advocation, Donation, and Right of Patronage of the Church of G. of the Provoſtry and Prebendarie of the Collegial Kirk of S. and of the other Churches and Chaplanries above-written, with the Pertinents all now erected and incorporat as ſaid is, of his Majeſty for himſelf, and as Prince and Stewart of *Scotland*, in free Blanſh, free Barony, Fee and Heretage for ever, *and ſicklike* to be holden, and for to hold all and ſundry the ſaids Lands of *B. &c.* of his *Majeſty* for himſelf, and as Prince and Stewart of *Scotland*, in Fee and Heretage for ever, and in like manner to be holden, and for to hold all and ſundry the other Lands, Lordſhips, Baronies, Offices and others particularly and generally above-ſpecified, lying in manner foreſaid, by the ſaid Lady *A. S.* and *F.* Lord of *G.* and F. Maſter of S. and other Heirs of Tailzie above-written, the ſame way and manner, and als freely in all reſpects, as the ſaid Lady *A. S.* or *F.* Lord *G.* held, or might have holden the ſame at any time bygone,by all Rights,Meaths and Marches of the ſame, old and deviſed, as the ſame ly inlength&breadth, in Houſes,Biggings,*&c* Milns Multures,*&c* Halking,

Hunting, *&c.* Woods, Fishings, *&c.* Doves, Dovecats, Coals, Coal-heughs, Cunnings, Cunningaries, *&c.* with Court-plent, *&c.* Pit and Gallows, *&c.* with common Pastourage, free Ish and Entry, *&c.* freely quietly, *&c.* but Revocation, *&c. Giveand* yearly, for the saids Lands of *C. &c.* with the said Advocation, Donation, and Right of Patronage of the said Kirk of *G.* Provestry and Prebandry of the Collegial Church of S. and of the other Churches and Chaplanries above written, with the Pertinents, all unite and incorporat in manner foresaid to his Majesty, for himself, and as Prince and Stewart of *Scotland*, and their Successors the Sum of four pennies of Silver with a red Rose at *C.* S. at the Feast of St. *John the Baptist*, in name of Blansh Farm if it be asked allanerly; *And sicklike* Giveand yearly the said Lady *A. S.* L. Lord of G. and other Heirs of Tailzie above-specified, for the saids Lands of B. *&c.* to his Majesty for himself, and as Prince and Stewart of *Scotland*, the Taxt-Ward Duties under-written, *viz.* the Sum of 240 Merks Mony foresaid, at two Terms in the year *W.* and *M.* in Winter by equal Portions, during the time of the Ward and Nonentry, or either of them, with the like Sum for the Relief thereof, and the Sum of 1000 Merks Mony foresaid for the Marriage of each Heir Male, whose Marriage shall happen to fall, to which Sums allanerly his Majesties dearest Brother King *Charles* the 2d. of ever glorious Memory for himself, and as Prince and Stewart of *Scotland*, and his Successors Princes and Stewarts thereof, (with Advice and Consent of the Commissioners of his Highness Tresaury and Exchequer) Taxed the said Ward, Relief, Nonentry and Marriage of the saids Lands in all time comings and for the haill other Lands, Offices, Jurisdictions & others generally above-expressed, the Feu & Blansh Duties in use and wont to be payed, and that for all other Burden, Exaction, *&c. and that the said Charter be extended in most ample Form, with all Clauses needfull, and that Precepts be orderly directed hereupon, in Form as effeirs.* Given at

Nota, *I have seen many great Tailzies done by persons of the greatest Quality in the Kingdom, and of various Natures very fine (both as to the Substitution and Conditions thereof) but to set all or many of these down, were to appear prolix and tedious, and therefore I confine my self to those already placed, and he that casts his Eyes upon them (being a formed and bred Penman, with the Advice of Lawers) can hardly err in the draught of any Tailzie, taking along the genuine sense and true meaning and Design of the Party concerned, all such being voluntary, and as Parties please conceive for the being perpetuity and continuance of their Families.*

I have also seen this Earl of Roxburgh's *Infeftment, but not the old Tailzie made by his Great Grand-Father, to which (failzeing of persons particularly named) it has relation: The Infeftment is full and near as will, and contains old and new Erections, all manner of Holdings, and like* Reddendoes, *and some of the Few-Lands pay a Duplication of the Few-duty at the Entry of the Heir, others the Few-duty being great) but a certain small Sum at the Entry, in place of a Duplication, other Lands hold of the King as King, and notwithstanding few, yet all Instances in case of not payment by the space of two years, or two Terms running in the Third, or the like are dispensed with and discharged, and only power reserved to poind the Ground in case the Vassal fail, to the extent of the double, other Lands hold of the King as Prince and Stewart, Ward, and are taxed, and notwithstanding the Nature of the Holding, the Charter allows the Vassal to sell, Wadset, or Feu for payment of the Debt, or secure Creditors thereby, without incurring Recognition, a full and favourable Act in Kings and Princes, for when Vassals will not (or rather dare not) do*

it, to evite that Hazard) the Creditors secure themselves alsunde, *and at a far greater Charge: In this Infeftment there be many Customs Carriages and days darg, or Shearing, and are moderatly converted, some of the Baronies and old Earldom hold Blench, for payment of a Penny, and Castle Wards thereof used and wont, and other Lands for payment of a* Reed-Rose, *and some Lands, Greens and Cunninzares pay* 140 *Pair Cunnings, compting two sixties to the hundred, and for the Furnaves of the Ovens of* Kelso, *and some Cusioms to* 10 lib. *so that it seems there be many Ovens there, and well imployed by the Abbacy.*

In the next place, I have seen thir Clauses in Tailzeies, viz. Liferents, Escheats, guarded against by relaxing within year and day after Denunciation, by an expres provision, others not to ly out unentered, others not to suffer the Feu-duties to be resting but punctually payed, others bearing only the Heirs, & others the Children to bear the Sirname and Arms, and so (upon the whole matter) as Parties & their Lawers & Writers please conceive Tailzies (all tending to the same Point and Event, viz. a Security for the perpetuity and continuance of the Fortune) only where not only the Heir, but all the Children are appointed to assume the Sirname, Arms and Cognizance of the Family, why not some Distinction (by addition in the Arms betwixt the eldest (that is the Root) and the younger Sons or Brethren.

SIGNATURE of the Lands and Barony of K. comprehending several Baronies, Shiriffship, Regality, Burgh of Barony and Regality, a Gift of Patronages and Ratification of former and prior Rights therto, (in respect of a Hospital erected, and Mortification made of 100 lib. *a year out of the Teinds of the Paroch, for maintaining of the Poor and Indigent) It also contains a new Erection of all in one Barony, a Dissolution of some of the Lands from other Shires and Jurisdictions wherein they ly, and annexed them to the Shire of K. whereof this worthie Gentleman is Proprietar, and contains several other things (not unworthy of Observation) written by a formal Penman, and no doubt advised by eminent Lawers.*

OUR SOVERAIGN LORD, with the special Advice and Consent of *(here the Consent were taken in whilst the Constitution of the Exchequer was in a Lord high Thesaurer and Thesaurer-Deput and thereafter the general Clause with Consent of the remanent Lords of his Majesties Exchequer of the said Kingdom his Highnes Commissioners)* Ordains a Charter to be made and past under his Majesties Great Seal of the said Kingdom, in due and competent Form; Giving, Granting and Disponing, and for his Highnes and his Royal Successors perpetually confirming: Likeas, his Majesty with consent foresaid, by thir presents, gives, grants and disponeth, and for his Highness and his Successors perpetually confirmeth to his Majesties well beloved S. *W. B.* of K. Knight Baronet, and to the Heirs-male lawfully procreat or to be procreat of his Body, and to the Heirs male of their bodies, whilks failzeing to the eldest Daughter or heir-female descending of the saids Heirs-male their bodies *successive*, without division, whilks failzeing, *(here I omit the other persons upon whom the Estate is entailed, as extraneous to my design, and terminates thus)* whilks failzeing to the said S. *W. B.* his neareft and lawful Heirs-male, whilks all failzeing to his Heirs and Assigneys whatsoever heretable and irredeemably; whilks haill Heirs of Tailzie above-mentioned, as well Male as Female, succeeding

in the Right of the ſaids Lands, Barony and Eſtate above-written, ſhall be holden and obliged to aſſume and take the Sirname of B. and to bear and carry the Name, Cognizance and Arms of *B.* of *K.* (with and under the haill Reſervations, Conditions, Qualifications, Burden, Reſtrictions and Limitations *reſpective* after-ſpecified *All and haill* the Lands and Barony of *K.* or *L.* under-written, comprehending therein the particular Towns, Lands, Baronies and others after-mentioned. *viz. here ſome Lands comprehended are omited*) lying within the Sheriffdom of *K.* together with the heretable Office of Sheriff-ſhip of the ſaid Sheriffdom of *K.* with all Fees, Caſualities, Immunities, Priviledges, Commodities, Profits and Duties pertaining and incumbent to the ſaid Office, together alſo with the Fees, Forefeitures, Eſcheats and Services of free Tennents of the ſaid Sheriffdom of *K.* (*after this ſome Ackers follow, and then*) All and haill the Lands and Barony of S. and what therein comprehended, lying within the ſaid Sheriffdom of *K.* and all and haill the Lands and Barony of *C.* with the pertinents lying within the Sheriffdom of P. and all and haill the Lands and Barony of *K.* lying within the Stewartrie of of S. and Sheriffdom of P. foreſaid; after this there follow ſome Lands within the C. of *K.* and Sheriffdom of F. and after this follow moe Lands within the Abbacy of *D.* and Sheriffdom of F. foreſaid, all lying of old within the Regality of *D.* and now within the Regality *A.* and all unite, erected, creat and incorporat in a haill and free Barony, Called the Barony of *K.* or *L.* and after this ſome moe Lands followed, with the Boat upon the Loch of *L.* of old belonging to the Commendator and Convent of *D.* commonly called the Abbots Boat, &c. unite and annexed to the ſaid Barony of *K.* or *L.* which Lands and Barony of *K.* *alias* called *L.* comprehending the particular Towns, Lands, Baronies, Burghs of Baronie, heretable Offices, Milns, Woods, Fiſhings, Coal-heughs, Rights of Patronages, Teinds, Tennendries, and others reſpective above-written) therein unite and annexed thereto, with all their Pertinents, lying and deſigned in manner above-mentioned, pertained heretably of before to the ſaid S. *W. B.* holden by him of his Majeſty and his Highnes moſt Royal Progenitors, as Imediat lawful Superiors thereof, as alſo the ſaids Lands, barony, and other foreſaids, comprehending as ſaid is, pertained likeways heretably of before to *P. E.* of S. Son and Heir of umquhil *J. E.* of *K.* *J.* Lord *B.* and *R.* Mr. of B. his Son, *R. D.* of *S.* and Mr. G. and *E. D.* Children of umquhile S. *W. D.* of *K.* each of them for their own parts, conform to their ſeveral Rights thereof, and Infeftments of the ſame, and whilks were by the ſaid *S. W.* B. and remanent perſons above-named (each of them for their own parts in manner-foreſaid) and by their lawful Procurators in their Names, to that effect ſpecially conſtitute, and patent Letters contained in the ſeveral reſpective Rights granted by them, duely and lawfully reſigned by Staff and Baſtoun as uſe is, in the hands of his Majeſties principal Theſaurer, Theſaurer-deput, and of the remanent Lords of his Highneſs Exchequer (for the time being) his Majeſties Commiſſioners having his Highneſs Power to receive Reſignations, and thereupon to grant new Infeftments, as in the hands of his Majeſtie, immedediat lawful Superior thereof, at —— day of —— years, in favours, and for new Infeftment of the ſame, to be made and granted to the ſaid *S. W.* B. and to the Heirs-male of his own Body procreat or to be procreat; Whilks failzeing to his other Heirs of Tailzie and Proviſion *reſpective* and *ſucceſſive* foreſaid, and the ſaid *S. W.* B. his Aſſigneys, heretably and irredeemably, in ſuch due and competent Form as accords; Reſerving always to *D. M. H.* Spouſe to the ſaid *S. W.* B. her Liferent of the Mannor-place of K. already built and edified, or to be edified by the ſaid S. *W. B.* with Houſes, Biggings, Yards and Orchards thereof, and of a yearly free Annual-rent or Annuity of 4000 *Merks Scots* Money, yearly to be uplifted, and taken

out

out of the ſaids Lands and Barony of *K.* or *L.* with the Pertinents, or any part thereof, conform to the Letters obligatory of Proviſion, containing therein Precept of Seaſin granted by the ſaid *S.* W. B. to her thereupon, dated the — day of — —— years, and Infeftment following, or to follow on the ſame, Whilks Joyntures and Annualrent, Infeftments of the ſaid Mannor-place, and Annualrent or Annuity provided to the ſaid *D. M.H.* in manner above-written his Majeſty with Advice and Conſent foreſaid, by thir preſents, for him and his Royal Succeſſors, ratifies and approves, and perpetually confirms, in all and ſundry Heads, Articles and Clauſes thereof, diſpenſing with the generality of the ſame; As alſo, with this Proviſion and Declaration always, likeas by thir preſents, it is ſpecially provided and Declared, that all the ſaids Heirs of Tailzie and Proviſion above-written, as well Male as Female ſucceeding to the ſaids Lands, Barony and Eſtate above-mentioned, ſhall be holden, aſtricted and obliged, likeas, by the Acceptation of thir preſents they bind and oblige them to themſelves in all time coming, to aſſume and take the Sirname of B. and to uſe and bear the Name Arms and Cognizance of B. of *K.* and no other Name, Arms or Cognizance after the ſaid Succeſſion: And likeways the ſaids Daughters or Heirs-Female ſucceeding to the ſaid Eſtate, by vertue of the ſaid Tailzie, if they be not married the time of the ſaid Succeſſion, ſhall be holden, aſtricted and obliged, and by the Acceptation of thir preſents, bind and oblige them to marry to a Gentle-man of the Sirname of B, or who ſhall aſſume the ſaid Sirname: And who, and their Heirs ſhall bear and carry the ſaid Sirname and Arms of B. of *K.* and in like manner, in caſe it ſhal happen the ſaids Daughters or Heirs-Female ſucceeding to the ſaid Eſtate, to be married the time of their Succeſſion, then and in that caſe, the ſaids Daughters or Heirs Female, and their Heirs of the ſaids Marriages, ſhall alſo be bound and obliged, and by the acceptation of thir preſents, bind and oblige themſelves, to bear and carry the Name and Cognizance of *B.* of *K.* in all time after their ſaid Succeſſion in manner foreſaid, in which if they failzie, the perſon deficient and contraveening, ſhall forfeit, amit and tine his Right of ſucceeding to the ſaids Lands and Eſtate, and the ſame ſhall devolve, fall and belong to the next and immediat Heir of Tailzie exiſting for the time, who ſhall have the Right of ſucceeding thereto, by Declarator, Adjudication, Service, or any other manner of way, as accords, or in the like caſes uſual, in manner above-written; as alſo, by thir Preſents, it is Provided, that in the caſe, that the ſaids Heirs-Male of the ſaid *D. A. B.* her Body, procreat or to be procreat betwixt her and the ſaid *S. T. H.* her Husband, or any of the Heirs of Tailzie and Proviſion *reſpectivè* above-mentioned, ſucceeding or that ſhall have Right of ſucceeding to the ſaids Lands, Barony and Eſtate, by vertue of the ſaid Tailzie, ſhall alſo ſucceed to the like other Eſtate, which may oblige them to bear and carry any other Name and Arms, then the ſaid Name and Arms of *B.* of *K.* and that therefore do not accept the benefite of this preſent Tailzie, nor do not take, aſſume, bear and carry the ſaid Name and Arms of *B.* of *K.* in manner foreſaid, within the ſpace of year and day after deceaſe of the ſaid *S. W. B.* or any of the Heirs-Male of his Body, or of any other the neareſt and immediat preceeding Heir of the ſaids Lands and Eſtate of *K.* to whom they may ſucceed, that then and in that caſe, the ſaid Heir ſo not accepting the benefit of this preſent Tailzie, ſhall alſo forfeit, tine, and amit the Right of ſucceeding to the ſaids Lands and Eſtate, and the ſame ſhall devolve, fall and pertain to the ſecond, or any other neareſt and immediat younger Son for the time exiſting, who ſhall accept the ſame benefit of the ſaid Tailzie; whilks failzieing, to the other next and immediat Heir of Tailzie for the time exiſting, who ſhall have Right of ſucceeding to the ſame by Declarator, Adjudication, Service, or any other manner of way, as accords, and in ſuch caſes uſual in manner above-mentioned. And ſicklike, with this De-

claration and Proviſion always, likeas by thir Preſents, it is Provided and Declared, that it ſhall be no ways leiſum or lawful to any of the Heirs of Tailzie or Proviſion above-written, ſucceeding to the ſaids Lands and Eſtate, by vertue of the ſaid Tailzie and Subſtitution, or any of them (except to the Heirs-Male of the Body of the ſaid S. *W. B.* and to the Heirs-Male lineally deſcended of their Bodies allanerly) to ſell, annailzie, diſpone or dilapidat the ſaids Lands and Eſtate, or any part thereof, nor to break, innovat or infringe this preſent Tailzie, nor to contract Debts, nor to commit any other Deed or Crime Civil or Criminal, by which the ſaids Lands and Eſtate may be any ways appryſed, adjudged, evicted, or forfeited from them, or in defraud or prejudice of the ſubſequent Heir of Tailzie above-mentioned *ſucceſſivè*, according to the order and ſubſtitution above-written, nor ſhall it be lawful or leiſum to the ſaids Heirs of Tailzie and Proviſion above-ſpecified, to permit or tollerat the ſaids Lands and Eſtate, or any part thereof, to be adjudged, appryſed, or any ways evicted for any Debts or Deeds contracted or committed by them before their Succeſſion, or by any of their Predeceſſors whom they any ways repreſent, or to which as their Repreſentatives they may be any ways ſubjected and made lyable; all which Facts are by thir preſents, not only declared void and null *ipſo facto* by way of Exception or Reply without Declarator, in ſo far as the ſame may burden and affect the ſaids Lands and Eſtate; but alſo by thir Preſents, it is Provided and Declared, that the ſaids Heirs of Tailzie who ſhall contraveen and incur the ſaids Clauſes irritant, or any of them, whether by not aſſuming the Name and Arms of *B.* of *K.* or the ſaids Heirs Females not married, and not marrying to a Gentleman of the ſaid Name, or who ſhall aſſume, bear and carry the ſaid Name and Arms, or whether married to them and their Heirs of the ſaids Marriages, by not aſſuming, bearing and carrying the ſaid Name and Arms as ſaid is; or the ſaids Heirs not accepting of the benefit of this preſent Tailzie, within year and day after the deceaſe of the next immediat preceeding Heir to whom they may ſucceed in manner *reſpectivè* above-mentioned, or who ſhall infringe or innovat the ſaid Tailzie, or contract Debts, or commit any other Fact or Crime whereby the ſaids Lands and Eſtate may be any ways evicted or affected in manner above-written, or who ſhall ſuffer and permit the ſaids Lands and Eſtate, or any part thereof to be evicted, Adjudged, appryſed, or any way affected for any Debts or Deeds contracted and committed by them, before their Succeſſion, or by any of their Predeceſſors whom they repreſent, and in which they ſhall be ſubjected and made liable, as repreſenting them any manner of way, then, and in either of theſe caſes, the perſon or perſons ſo contraveening as ſaid is, ſhall forfeit, amit and tyne their Right of ſucceeding to the ſaids Lands and Eſtate, and all Infeftments and pretended Rights thereof in their perſons, ſhall thereafter be void and null *ipſo facto* by way of Exception or Reply, without Declarator, in manner foreſaid, and the ſame ſhall divolve fall and belong to the next immediat Heir of Tailzie, (for the time exiſting) who is appointed to ſucceed to the ſaids Lands and Eſtate by vertue of the ſaid Tailzie and Subſtitution above-ſpecified, and to whom it ſhall be lawful to be ſerved as Heirs in ſpecial therein, to them who died laſt infeft before Contravention, and to be thereupon Retoured and Infeft, or otherways to proſecute by Declarators, Adjudications, or by any other legal Diligences, which may formally and legally eſtabliſh the Right of the ſaids Lands and Eſtate in the perſon of themſelves, and of the remanent Heirs of Tailzie who are appointed to ſucceed to them in manner above-expreſt, and with and under the Reſervations, Burdens, Conditions, Proviſions, Limitations, Reſtrictions and Qualifications *reſpectivè* above-mentioned, without any acknowledgment of, or being ſubjected or liable to the Debts or Deeds of the Contraveeners, any manner of way, ſo as the ſaid Tailzie (according to the Intent

tent and meaning thereof) ſhall ſtand inviolable and irrefragable in all time coming (any Law, Practique, or Conſtitution whatſoever, made, or to be made in the contrair, notwithſtanding) *Declaring nevertheleſs*, that the ſaids Reſtrictions of innovating the Tailzie, of contracting Debts, or diſponing upon the ſaid Eſtate, ſhall no ways extend to the Heirs Male of the ſaid *S. W. B.* his Body, who (and the Heirs Male lineally deſcending of their Bodies) ſhall have power of uſing the ſaid Eſtate, and diſponing thereupon at their own pleaſure; and in like manner, notwithſtanding, the Limitations and Reſtrictions above written, it ſhall be lawful to all the Heirs of Tailzie and Proviſion above-mentioned, to burden and affect the ſaid Eſtate with ſuch juſt and lawful Debts, and Burdens as ſhall happen to be reſting by the ſaid *S. W. B.* the time of his deceaſe, and that ſhall not be ſatisfied and payed by his Movable Goods or otherways, as alſo to provide to their Husbands, Wives and Children competent and convenient Liferents, Portions and Proviſions, ſuch as the ſaid Eſtate may conveniently bear and allow, and which ſhall be agreed to by two Friends, one on the Father ſide, and an other on the Mothers ſide, the ſaids Liferents in favours of the ſaids Husbands and Wives, at one and the ſame time, not exceeding the Sum of —— and the ſaids Portions and Proviſions in favours of the ſaids Children, not exceeding the Sum of —— and to grant Letters obligatory, Infeftments and other Securities neceſſary thereupon, and with which the ſaids Lands and Eſtate ſhall ſtand affected, notwithſtanding the ſaid Proviſion and Reſtriction; *Providing* always, likeas by thir preſents, it is ſpecially Provided and Declared, that the ſaids Heirs of Tailzie and Proviſion above-ſpecified (ſucceeding to the ſaids Lands and Eſtate) ſhall be holden and obliged, and by the Acceptation hereof, bind and oblige them no ways to permit the ſaids Lands and Eſtate or any part thereof, to be adjudged or appryſed for the ſaids Sums of Mony, Proviſions and others above-written (with which they have power to burden and affect the ſaids Lands and Eſtate aſaid is) at leaſt not to permit the legal Reverſions of the ſaids Appryſings or Adjudications to expire, (whereby the ſaid Tailzie made and intended for preſervation of the ſaid Eſtate may be rendered any ways void and of none effect) at leaſt within the ſpace of one year before Expiration of the legal Reverſions of the ſaids Appryſings or Adjudications, according to the time preſcribed by his Majeſties Acts of Parliament or any ſupervenient Law to redeem and purge the ſame; and if the ſaids Heirs of Tailzie or their foreſaids ſhal procraſtinat and delay to redeem and purge the ſaids Appryſings and Adjudications, then and in that caſe, they ſhall not only amit and tine all Right of Reverſion or other Right competent to them of the Law, to the ſaid Eſtate, but alſo it ſhall be lawful to, and in the power of the next and immediat Heir of Tailzie (for the time exiſting) to impede and interpel the Expiration of the legal Reverſion of the ſaids Appryſings or Adjudications *reſpectivè*, any time within the ſpace of one year preceeding the Expiration thereof, or to compone and tranſact for the ſaids Appryſings and Adjudications, within one year for his own proper uſe as ſaid is, (the Rights thereof being always bought and acquired, with and under the haill Reſervations, Burdens, Conditions, Proviſions and Limitations of the ſaid Tailzie, and that cumulative, and without prejudice of the other Clauſes irritant, and of Reſtriction above-mentioned, *And laſtly*, by thir preſents it is ſpecially Provided and Declared, that it ſhall be always lawful and free to the ſaid *S. W. B.* and in his power at any time, during the days of his Lifetime, (*etiam in lecto ægretudinis, & in articulo mortis*) to alter, infringe or innovat the ſaid Tailzie, Subſtitution, & Order of Succeſſion therein, as alſo to reſcind, and renunce the Conditions, Proviſions & Reſtrictions aforeſaid, or any of them, (as he ſhall think and eſteem expedient and convenient)

nient) in favours of the ſaid Heirs of Tailzie and Proviſion above-written, and that by a Writ under his own hand, laſt Will, or otherways, upon the which Reſervations, Burdens, Conditions, Proviſions, Reſtrictions, Limitations and Qualifications *reſpective* particularly above-ſpecified, the ſaid Tailzie, Reſignations and Infeftments are granted and accepted and no otherways, as Authentick Inſtruments taken upon the ſaids Reſignations *reſpective*, in the hands of the ſaid Nottar publick, in themſelves more fully is contained; *as alſo* giving granting&diſponing,& for his Majeſty&Succeſſors perpetually confirming, likeas his Majeſty by thir preſents (with Advice and Conſent foreſaid) gives, grants diſponer, and for his Highneſs and his Royal Succeſſors perpetually confirms to the ſaid S. *W.* B. and to his Heirs Male and of Tailzie *reſpective* and *ſucceſſive* aforeſaid, heretably and irredeemably (with and under the haill Conditions, Proviſions, Reſtrictions, Limitations and Qualifications above-expreſt) All and ſundry the Teind Shaves or Parſonage, Teinds, Fruits, *R*ents and Emoluments of all and haill the Paroch-kirk and Parochin of *P.* with the Pertinents thereof, with the Advocation, Donation and *R*ight of *P*atronage of the ſame, lying within the Sheriffdom of *F.* whilks Teinds with the Pertinents pertained heretably of before to umquhil *W.E.* of *M* or to umquhil *R.E.* of *M.* his Son, and whilks with certain other Lands and Teinds were in an Court of Apprying, holden within the new Seſſion houſe of *Edinburgh*, (here is deduced the Meſſenger before whom led, the day, Moneth and year upon which, at whoſe Inſtance, and againſt whom, and for what Sums and Date of the Allowance, and the ſaid S. *W.* B. his *R*ight thereto and date thereof, and likeways *R*atifying and Approving, and for his Majeſty and his *R*oyal Succeſſors perpetually Confirming, likeas his Majeſty with Conſent foreſaid, by thir preſents, *R*atifies, Approves, and for his Highneſs and his *S*ucceſſors perpetually confirms in favours of the ſaid *S. W.* B. two Charters containing therein Precepts of Seaſin, the one made and granted by umquhile *I.* Arch-biſhop of S. and the other by umquhile *A.* late Arch-biſhop thereof, with conſent of the Dean and Chapter of the ſame, to the ſaid S. W. B. and his foreſaids, (with and under the haill Conditions, *P*roviſions and Reſtrictions of the ſaid Tailzie) of all and ſundry the Lands of *K.&c.* lying within the Barony and Lordſhip of B. and Regality of S. as alſo of the Miln of *M. &c.* lying within the Lordſhip and Barony of M. and Regality foreſaid, to be holden of the ſaids Arch-biſhops and their Succeſſors Arch-biſhops of *S.* in Feu Farm, for payment of the Feu Farm Duties ſpecified in the ſaids reſpective Charters, the one dated the —— day of years, and the other dated the —— day of —— —— years, *Item* an other Charter containing *P*recept of Seaſin, granted by the Maſters of St. *Leonards*, (to the ſaid S. W. B. of the Lands and Barony of *K.* with the priors Manſe and Ward in the Town of *K.* and Inſh in *L.* called S. Inſh, with the Fiſh Boats *&c.* lying within the *S*heriffdom of *F.* to be holden of the ſaids Maſters, and their Succeſſors in Office for the time, in Feu Farm, for payment of the Feu Farm Duties and others contained in the ſaid Charter, dated the —— day of —— —— years, with the *P*recepts of Seaſin contained in the ſaids reſpective Charters, and Inſtruments of Seaſin following, or to follow thereupon, in the haill Heads, Clauſes, Conditions, Tenors and Contents thereof; *And* his Majeſty Wills and Grants, and for his Highneſs and his Royal Succeſſors Decerns and Ordains that the ſaid General Ratification is and ſhall be of als great Force, Strength and Effect as if the ſaids Charters, Precepts of Seaſin and Inſtruments of Seaſin following or to follow thereupon, were particularly, and *de verbo in verbum* herein inſert and ingroſſed, and as if this Confirmation were granted before taking of Seaſin of the ſaids Lands, and before the deceaſe of the ſaids *I. A.* Arch-biſhops of S. whereanent, and with all other Exceptions or Objections that in Law may be moved, alledged or propoſed

poſed againſt the validity of the ſaid Confirmation, his Majeſty for himſelf and his Royal Succeſſors [with Advice and Conſent foreſaid] has diſpenſed, and by thir preſents diſpenſes for ever; Moreover, his Majeſty conſidering that the ſaid S. W. B. and his Authors for ſome hundred years bygone have been Poſſeſſors of the Parſonage and Vicarage Teinds within the Parochin of *K.* and that his Authors were of old infeft under the great Seal in the Lands and Barony of *K.* with the Advocation, Donation and Right of Patronages of the Churches and Chaplarries thereof, and ſo indoubted and heretable Patrons of the Paroch Church of *K.* howbeit the ſaid Right of Patronage for divers years bygone remain ſlighted and neglected by reaſon of great Troubles and Burdens of the ſaid Eſtate of *K.* and diviſion of the ſeveral Creditors thereof; *and* that now the ſaid S. *W. B.* (out of a pious intention) has doted and mortified an piece of Land near *K.* (belonging to himſelf in Property,) upon which he has built (at leaſt intends to build and erect upon his own proper Charges) an hoſpital & yard, for keeping & ſuſtaining certain indigent & poor People, & for that effect ſeriouſly deſirous to convert, beſtow, and confer an hundred Pound Mony of the ſaid Kingdom of *Scotland*, out of the free Teind of the ſaid Parochin of *K.* yearly to be uplifted for the uſe of the ſaid Hoſpital, as the Fundation of the Rent thereof, in good example to others to imitat, in Charity and Help, for ſo good and charitable an Act and Reſolution, which deſerves all incitement to be thereto contributed. *As alſo*, his Majeſty conſidering that his Highneſs Sheriffdom of *K.* was altogether an diſtinct Sheriffdom, in which the Sheriffs thereof continually exerced all Acts of Juriſdiction civil and criminal, and enjoyed all other Priviledges competent to any other Sheriffs within this Kingdom, and that the Lands and Barony of *B.* and the Lands and Barony of *K.*, &c. lying within the Parochin of *P.* and Regality of *S.* and the Lands of *C.* pertain to the ſaid S. *W. B.* Heretable-Sheriff of the ſaid Sheriffdom of *K.* als well in Property as Superiority; as alſo, that the Lands of *C.*, &c. lying within the Parochin of *K.* and likeways all and ſundry the Lands lying in the Parochins of *C.* and *T.* and for the preſent within the Sheriffdoms of *F.* and *P.* and that the Lands and Barony of *C.* pertaining to the ſaid S. *W. B.* lying within the Sheriffdom of *P.* are remot and at great diſtance from his Majeſties Burghs of *C.* and *P.* Head-Burghs of the ſaid Sheriffdoms *reſpectivè*, and very near to the Burgh of Barony of *K.* Head-Burgh of the Sheriffdom thereof; and in like manner, conſidering the ſmall extent of the ſaid Sheriffdom of *K.* for ſupporting and upholding the State and Dignity of an diſtinct Sheriffſhip, as the ſame now is, and of old was, and that with what little pains and eaſe it will be to the Heretors and Inhabitants of the ſaids Lands, to anſwer to the Courts of the ſaid Sheriffdom, as well for payment of Publick Burdens, as for other Exactions, Expeditions, Aſſeſments, Taxations, Mending of High-Ways, Militia, and others, and would prevent not a little Trouble, Charges and Expenſes to the ſaid *S. W. B.* of *K.* Heretable-Sheriff of the ſaid Sheriffdom thereof, and to the Inhabitants within the ſaids Lands, that his and the ſaids haill foreſaids Lands were disjoyned from the ſaids Sheriffdoms *reſpectivè*, and thereby liberat from great Troubles and Inconveniencies, and that the ſame were united and joyned to the ſaid Sheriffdom of *K.* to which they ly ſo contiguous, and even were of no prejudice to the Sheriffs of the ſaids other Sheriffdoms (all the ſaids Lands belonging to the ſaid *S. W. B.* being erected in Regalities.) *And ſicklike*, his Majeſties Right Truſty Couſin and Counſellor the ſaid *J. M.* of *A.*, &c. Sheriff-Principal of the ſaid Sheriffdom of *P.* as alſo his Highneſs well-beloved Couſins *M. C.* of *R.* and *H.* and *Ch.* E. of *H.* her Husband, Heretable-Sheriffs of the ſaid Sheriffdom of *F.* for their Intereſts *reſpectivè*, conſented to the ſaid Disjunction of the ſaids Lands from the ſaids Sheriffdoms, and to the Union thereof to his Majeſties Sheriffdom of *K.* afore-

ſaid in favours of the ſaid S. *W. B. Therefore* his Majeſty, for the many good and grateful Services done and performed to his Highneſs, and his deceaſt moſt dear Brother King *Charles* the ſecond of bleſſed Memory, by the ſaid S. *W. B.* and particularly for his Services, conſtant adherence to, and ſuffering for their Majeſties the time of their Exile, and of his Highneſs certain Knowledge and proper Motive (with Advice and Conſent foreſaid,) not only Ratifying, Approving, and for his Highneſs and his Royal Succeſſors perpetually confirming, likeas his Majeſty by thir Preſents, Ratifies, Approves, and for his Highneſs and his Royal Succeſſors, perpetually confirms the ſaid Donation and Mortification granted and made by the ſaid S. *W. B.* of the ſaid Piece of Land, with the Houſe and Yard built or to be built thereupon for the uſe above-mentioned, with all ſuch Rules, Orders and Inſtitutions, which by the ſaid S. *W. B.* and his Heirs and Succeſſors Heretable Proprietors of *K.* in any time coming, are made or to be made, appointed and determined; *As alſo*, gives, grants and diſpones in favours of the ſaid S. *W. B.* and of the Heirs-Male of his Body, whilks failzing, of his other Heirs of Tailzie and Proviſion *reſpective* and *ſucceſſive* above-mentioned, (with and under the haill Conditions, Proviſions, Reſtrictions, Limitations and Qualifications *reſpective* above-ſpecified) heretably and irredeemably, *all and haill* the Advocation, Donation, and Right of Patronage of the Paroch-Church and Parochin of *K.* with the Teind-ſheaves, and other Teinds great and ſmall, als well Perſonage as Vicarage thereof, and that of all Crops and Years by-gone, reſting and due, and in time coming to be intromettet with, collected, in-brought, uſed, bruiked, enjoyed and diſponed upon by the ſaid S. *W. B.* and his foreſaids, in all time-coming: *And ſyklike*, all and haill the Advocation, Donation, & Right of Patronage of the Pariſh Kirk & Paroſhin of *P.* his Majeſty not only diſſolving and diſuniting likeas his Highneſs by this preſents, with Conſent foreſaid diſſolves and diſunits the ſaids Rights of Patronages, Teinds, Perſonage and Vicarage above-diſponed from the Lordſhip and Regality of *D.* and from his Majeſties Crown and Patrimony thereof, and from all other Lordſhips, Dignities and other Benefices to which the ſame was any ways formerly annexed, and annexes and conjoyns the ſame to the ſaids Lands and Barony of *K.* and Decerns and Ordains the ſame Teinds included with the Stock never to be ſeparated therefrae for the future, but alſo Diſmembers and Diſjoyns the ſaids Lands and Barony of *B.* and *K. &c.* (*here the other Lands and others concerned in this Point are inſert, and then follows*) and remanent Lands within the ſaid Parochin of *P.* and Regality of *S.* and the ſaids Lands of *C.* (*here the other Lands concerned in this Point are inſert, and then follows*) and all other Lands lying within the ſaids Parochins of *C.* and *T.* and likeways the ſaids Lands and Barony of *C.* and all their Pertinents from the ſaid Sheriffdoms of *F.* and *P.* *reſpective*, and his Majeſty unites and annexes the ſame to his Majeſties Sheriffdom of *K.* aforeſaid, with the Burden of the Valuation thereof, and liberats and renders the ſaids Sheriffdoms of *F.* and *P.* reſpective, free of the ſame in all time coming, and his Majeſty Wills and Ordains the heretable Proprietors, Inhabitants and Poſſeſſors of the ſaids Lands in all time coming, to anſwer to the Head-Courts of the ſaid Sheriffdom of *K.* and in all Cauſes as well Civil as Criminal, to be ſubject and lyable to the Cognition competent to the Sheriff of the Sheriffdom thereof, and Juriſdiction of the ſame, and the ſaids Lands to be repute and eſteemed to all intents and effects, as a part of the ſaid Sheriffdom of *K.* in all time coming; and ſpecially (but prejudice of the laid generality) with the Burden of all Aſſeſſments, Taxations, Exciſe, and other Impoſitions whatſoever, Militia, and other Exactions and Expeditions, and out of the ſame, to be collected and ordained, and of all Conventions and Convocations of the ſaid Sheriffdom, to be appointed by the Laws of this his Majeſties Kingdom, or by his Highneſs and his

Privy

Privy Council, and in all Services, Retours, Rights, Diſpoſitions, Charters and Inſeftments of the ſaids Lands, to be deſigned in all time coming lying within the Sheriffdom of *K.* and that all Denunciations of Letters of Horning, Inhibitions, Appryſings, Publications of Interdictions and Executions of other legal Diligences againſt the heretable Proprietors, Poſſeſſors, and inhabitants of the ſaids Lands, with all Breives, Proclamations, and others ſhall be uſed and execut at the Mercat-Croſs of *K.* Head-Burgh of the ſaid Sheriffdom, and to the ſame effect to which the ſaids Executions are uſed at the Mercat-croſs of the Head-burgh of any other Sheriffdom; And ſicklike, his Majeſty conſidering that the ſaids Lands and Barony of *K. alias* called *L.* comprehending diverſe other Lands and Baronies, and others above-written unite therein, and thereto annexed, lying within the ſaid Sheriffdom of *P.* and *K.* reſpective of old, pertaining to the Earls of *M.* and now to the ſaid *S. W. B.* either in Property or Superiority, were all of old diſponed and erected, with the Privilege of free Regality, free Chappel and Chancellary, as a part of the Lordſhip and Regality of *A.* and his Majeſty being willing the former Regality and Juriſdiction thereof be no ways ſuppreſſed, but that (as a farder Sign and Teſtimony of his Highneſs Royal Benignity) to renew and redintigrat the ſame in favours of the ſaid *S. W. B.* and his foreſaids: Therefore his Majeſty (for the Cauſes above-mentioned) of his Kingly Authority and Regal Power (with Advice and Conſent foreſaid) has Diſſolved, Diſmembred and Diſjoyned, and by thir preſents, diſſolves, diſmembers and disjoyns, not only all and ſundry the ſaids Lands and Barony of *K.* or *L.* comprehending the ſeveral Lands and others above-written, therein unite, and thereunto annexed, lying formerly within the ſaid Regality of *A.* and the ſaids Sheriffdoms of *F. P.* and *K.* reſpective, and of old pertained to the ſaids Earls of *M.* but alſo the haill remanent Lands and others above-ſpecified, now by thir preſents annexed to the ſaid Sheriffdom of *K.* and belonging to the ſaid *S. W. B.* either in Property or Superiority, holden by him immediatly of his Majeſty and his Royal Succeſſors, with all their Parts, Pendicles and Pertinents, from the Lordſhip, Barony and Regality of *A.* and Juriſdictions thereof, and all others to which they or any part thereof were formerly any ways unite and annexed, and (of new) unites, erects, creats and Incorporats the ſame, in a haill and free Barony and Regality, with Chappel and Chancellary, to be called now and in all time coming, the Barony and Regality of *K.* with full Right, Priviledge and Juriſdiction of free Regality, Chappel and Chancellary, and likeways of Juſticiary within the haill foreſaids bounds of the ſaid Regality: And his Majeſty with Advice and Conſent foreſaid by thir preſents, Makes and Conſtitutes the ſaid *S. W. B.* and his Heirs-male and of Tailzie, and Aſſigneys above-ſpecified, (with and under the haill Conditions, Reſervations, Reſtrictions, Limitations and Qualifications reſpective above-mentioned) heretable Baillies of the ſaid Regality, and by thir preſents gives, grants and diſpones to them the ſaid Regality and Juriſdiction, with free Chappel and Chancellary, Right and Priviledge of Juſticiary, with all and ſundry Priviledges, Immunities, Caſualities, Commodities, Profits and Duties whatſoever pertaining and belonging thereto within the haill bounds of the ſaid Regality, to be brooked, poſſeſſed, uſed, exerced and enjoyed, with all Honours, Dignities, Emoluments and Liberties whatſoever, ſicklike, and als freely in all reſpects, as any other Lord of Regality within this his Majeſties Kingdom of *Scotland*, uſes, poſſeſſes and exerces, or may uſe and exerce, by vertue of their Charters, Rights and Inſeftments thereof, Laws or Conſtitutions of his ſaid Kingdom: And his Majeſty by thir preſents, gives, grants and commits his Highneſs Power and Commiſſion to the ſaid *S. W. B.* and his foreſaids, by themſelves or their Baillies and Deputs to be Nominat and Elected by them (for whom they ſhall be anſwerable) to Sit,

Affix, Affirm, Hold, and how oft need beis continue Courts of Regality within the ſaids Bounds of the ſaid Regality, or any part thereof for Adminiſtration of Juſtice, and for that effect, to elect, creat and cauſe be ſworn Baillies, Clerks, Serjeants Officers, Dempſters, and all other Members neceſſar for holding the ſaids Courts, Sutes to call Abſents, to Fine and Amerciat, and to have & hold a free Chappel & Chancellary therein, as alſo to emit & direct all Citations, Precepts, Breives, Edicts or Proclamations and others in their own Names, as heretable Baillies of the ſaid Regality, to any Perſon or Perſons within the ſaid Regality, for ſerving them Heirs to their Predeceſſors, or any other manner of way for Adminiſtation of Juſtice in all Cauſes, as well Civil as Criminal, which ſhall happen to be intented and purſued before them, and with power to the ſaid S. W. B. and his foreſaids, and to their Baillies, Deputs, Subſtitutes and Clerk, and to no other Perſons authorized, or by vertue of Precepts, Direct out of his Majeſties Chancellary upon the ſaids Services and Retours, to grant Infeſtments and Seaſins: And his Majeſty by thir preſents Commands and Requires the Directors of his ſaid Chancellary preſent and future, and their Deputs, to direct all Brieves and Precepts that are to be direct to any perſon to be ſerved within the Bounds of the ſaid Regality, and to be infeft in all the Lands within the ſame, to the ſaid S. *W. B.* and his foreſaids, and to their Baillies and Deputs (to be anſwered and determined by them) and to none elſe, and by the Verdict of a true and faithful Inqueſt, to be Called, Elected and Choſen by them in all time coming, and with Power to them to Cite and Conveen before them, all and ſundry Delinqents and Tranſgreſſors for Theft, Bluids or Brauling and Scolding within the ſaid Regality, and to Incarcerat, Fine, Adjudge and Conveen them as accords, and the Amerciaments, Forfeitures, Eſcheats, Fines and Bluid-wits of the ſaids Tranſgreſſors and Delinquents, to uplift, and to apply the ſame to their own proper uſe, and in like manner, to repledge all and whatſoever Perſons dwelling & receeding within the ſaid Regality, from all other Courts and Juriſdictions to which they ſhall be cited and conveened, and as Iudges, to ſit, Preceed and Adminiſtrat Juſtice in all Cauſes whatſomever, as well Civil as Criminal, which ſhall occur in any time coming within the bounds of the ſaid Regality, whether concerning Life, or Limb, Thieft, Depredations, Man-ſlaughter, Murders, Sorcery, Poyſoning, Inceſt, Adultery, and other Crimes of Whatſoever Nature (Leſe Majeſty allanerly excepted) and for that effect, with Power to them of Citing and Conveening before them the Comitters of the ſaids Crimes, and Purſuers thereof, Witneſſes and other Probations to be led for proving of the ſame; and likeways all the perſons Aſſizers, to paſs upon the Aſſize of the ſaids Criminaliſts and Tranſgreſſors how oft ſoever the ſame ſhall occur, and to give furth and pronunce Sentences and Judgements therein, and to cauſe the ſame be put in Execution, conform to the Laws of his Majeſties Kingdom aforeſaid, and to Intromet with, Uplift, Aſſign and Diſpone upon the Eſcheats, Liferents and Forfeitures of all perſons, who within the ſaid Regality ſhall fall under the ſaids Crimes, or any of them, or denunced Rebels, convicted or forefeited, or that ſhall fall any other manner of way whatſoever, and his Majeſty gives, grants and diſpones the ſame, with all Right his Highneſs had, has, or can pretend thereto, in favours of the ſaid S. W. *B.* and his foreſaids, with full Power to them and their foreſaids, to Arreſt, Poynd and Conveen therefore, and if need beis to proſecute Declarators thereupon as accords, or otherways to uſe and diſpone on the ſame at their own pleaſure, and to adminiſtrat Juſtice in all Cauſes civil betwixt Party and Party within the ſaid Regality, to whomſoever they or any of them ſhal be Judges competent in point of Adminiſtration, Decreets & Sentences thereupon, to give furth, and pronunce and the ſame to due Execution cauſe be put, and to emit, direct and give-furth preceipts of Poinding and Arreſtment

reſtment, Captions, and others proper and expedient, in their own Names, and to their own Officers and Serjeants, and accordingly to cauſe Arreſt, Poynd and Deſtrinzie by vertue thereof, and to convein, cite and puniſh according to Law, all Deforcers of their Officers in the Execution of their Offices, and the Breakers of their ſaids Arreſtments, and to perform all other things concerning the ſame, or any others which occur within the ſaid *Regality*, as freely as any other Lord or Baillie of *Regality* within the ſaid Kingdom of *Scotland*, by vertue of their own *Rights* and Infeftments, Laws and Practique of the ſaid Kingdom in manner above-ſpecified, have done and performed, or may perform: And his Majeſtie by thir preſents, Ordains the Burgh of Barronie of *K.* to be the Principal and Head-Burgh of the ſaid Regality, in place of the Burgh of Regality of *A.* in all time-coming; and for that effect, and for increaſe of Policy and Commerce within his ſaid Majeſties Kingdom, and for the better accomodation of his Highneſs Subjects, alſwell Natives as Forraigners and Strangers, his Majeſty of his ſaid Kingly Authority, and Regal Power (with Advice and Conſent foreſaid) has made, conſtitute, creat and erected, and by thir Preſents, makes, conſtitutes, creats and erects, in favours of the ſaid *S. W. B.* and his foreſaids, the ſaid Burgh of Barony of *K*, haill Bounds and Territories thereof, in an free Burgh of Regality, to be called now and in all time-coming, the Burgh of Regality of *K.* and Ordains all Proclamations, Denunciations, and Executions of Letters of Horning, Inhibitions, Appryſings, Publications of Interdictions and of Brieves, and others within the ſaid Regality, to be made, uſed and execute at the Mercat-croſs of the ſaid Regality, and that all Services of Brieves, Regiſtrations of Letters of Horning and Inhibitions, Publications, and Interdictions, and others within the ſaid Regality, be deduced and performed at the ſaid Burgh of *K.* as the Principal and Head-Burgh of the ſaid Regality in all time-coming. And in like-manner, his Majeſty has given, granted, and committed, and by thir Preſents, gives, grants, and commits full Power and Warrant to the ſaid *S. W. B.* and his foreſaids, to elect and choiſe yearly Magiſtrats, Clerks, Serjants, Officers, and all other Members neceſſar for ruling and governing of the ſaid Burgh, and how oft is expedient, according to the uſual Form obſerved in the like Burghs of Regality, and likeways to make, creat, and cauſe be ſworn free Burgeſſes within the ſame, with full and free liberty, power and licenſe to the ſaids Burgeſſes, Inhabitants and Citizens of the ſaid Burgh, preſent and to come, of ſelling, buying and merchandizing yearly, and in Fairs and Mercats, Wine and Wax, Salt, Cloath of whatſoever kind or colour, broad and narrow, and all other Merchandiſe and Commodities whatſoever, and to have and hold therein Maſons, Wrights, Smiths, Bowers, Baxters, Weavers, Saddlers, Shoemakers, Sclaters, Tailors, Lithers, Tanners, Sievewrights, Cowpers, Webſters, Fiſhers, Fleſhers, Painters, Peuterers, Upholſterers and all other kind of Mechanicks, and Workmen whatſoever; and of being Packers, Pilers, and all other kind and pollicie, Art of Merchandice, Mechanick Arts, and whatſoever Workmanſhip, belonging to a Burgh of Regality. And ſicklike, His Majeſty with Advice and Conſent foreſaid, by thir preſents, gives and grants to the ſaid *S. W. B.* and his foreſaids two new yearly Fairs, yearly to be holden and kept at the ſaid Burgh of Regality of *K.* Bounds and Territories thereof, the —— day of —— being *Tueſday*, and the other the —— day of —— being *Tueſday*, and each of them to continue for the ſpace of —— days yearly, with Tolls, Cuſtomes Priviledges and Immunities thereof, beſides, and over and above, an weekly Mercat, and two former new yearly Fairs, yearly to be held therein: Whilks weekly Mercat and former Fairs, with the Tolls, Cuſtoms and Priviledges, and Pertinents thereof. His Majeſty by thir preſents, ratifies and confirms in favours of the ſaid *S. W. B.* and his foreſaids in all time coming, and with all

other Liberties, Priviledges, Incorporations and Immunities whatſoever, to uſe and exerce by the ſaid S. W. B. and his foreſaids, as freely and fully as any other Burgh of Regality within His MajeſtiesKingdom aforeſaid were in uſe, uſe, or may uſe and enjoy at any time bygone, preſent or to come. MOREOVER, His Majeſty for the cauſes Above-written of his Highneſs certain knowledge and proper motive, with Advice and Conſent foreſaid, has of new given granted, and diſponed; and for his Majeſty and his Royal Succeſſors perpetually confirmed: Likeas, his Majeſty by thir preſents, gives, grants, and diſpons, and for His Majeſty and his royal Succeſſors, perpetually confirms to the ſaid S. W. B. and to the Heirs Male of his Body: Whilks failzeing to his other Heirs of Tailzie and Proviſion *reſpectivè* and *ſucceſſivè* Above-ſpecified, (with and under the haill Conditions, Proviſions, Reſtrictions, Limitations and Qualifications *reſpectivè* Above-mentioned) Heretably and Irredeemably, ALL AND SUNDRY, the haill foreſaids Towns, Lands, Baronys, Burghs of Barrony and Regality, Weekly Mercat, yearly Fairs, Tolls and Cuſtoms thereof, heretable Office of Sherriffſhip, Priviledges and Pertinents of the ſame Above-written Milns, Woods, Loch, Fiſhing, Coal-heughs Rights of Patronages, Tenements and others particularly and generally Above-mentioned, proceeding alſwell upon the ſaid S. W. B. his own Reſignation, and Reſignations of the other ſeveral Perſons *reſpectivè* above-named, and upon the Appryſing above-expreſt, to which the ſaid S. *W. B.* has Right, as upon the Rights of Patronages and Teinds above-rehearſed, by thir Preſents of new granted and diſponed by his Majeſty to the ſaid S. *W. B.* all lying, deſigned, and annexed in manner above-exprimitted, which in this his Majeſties Signature and Charter foreſaid to follow thereupon, are holden as repeated, and whereanent his Majeſty diſpenſes for ever, together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, alſwell Petitor as Poſſeſſor, whilks his Majeſty, his Predeceſſors, or Succeſſors, had, have, or any ways may have, claim, or pretend to the ſame, or to any part or portion thereof, or to the Mails, Farms, Profits and Duties of the ſame, of whatſoever years or terms by-gone or to come, by reaſon of Ward, Marriage, ſingle or double Avail thereof, Releif, Non-entry, Eſcheat, Liferent, Forfeiture, (*here follow furth the remaining part of the Clauſe* de novo damus, *albeit here omitted, becauſe in former Signatures inſert, and then*) *And farder*, his Majeſty wills and grants, and for his Highneſs and his Royal Succeſſors (with Advice and Conſent foreſaid) Decerns and Ordains, that an Seaſin now to be taken by the ſaid S. *W. B*, and by his foreſaids, in all time-coming, at the ſaid Manor-Place of *K*, built or to be builded by the ſaid S W. B. or at the Mercat-croſs of the ſaid Burgh of Regality of *K*. (and that by deliverance of Earth and Stone allanerly,) ſhall ſtand valid, and be an ſufficient Seaſin to them for all and ſundry the ſaids Lands, Baronies, Regality, and Burgh of Barony and Regality of *K*, haill Juriſdictions, Priviledges and Pertinents thereof above-written, and haill other Towns, Lands, Baronies, Heretable-Office of Sheriffſhip, Milns, Woods, Lochs, Fiſhings, Coal-heughs, Rights of Patronages, Teinds, Tenements, and others reſpective above-ſpecified, with all their Pertinents, lying, reſigned, appryſed, unite, erected and annexed in manner reſpective foreſaid, notwithſtanding that the ſame formerly lay diſcontigue and in divers Sheriffdoms and Juriſdictions, whereanent, and with all that may follow thereupon, or that may be any ways objected againſt the validity thereof, his Majeſty with Conſent foreſaid has diſpenſed, and by thir Preſents, for him and his Royal Succeſſors diſpenſes for ever, *to be holden*, and for to hold, all and ſundry the ſaids Towns, Lands, Baronies, Regality, Burghs of Barony and Regality, Priviledges and Juriſdictions thereof, Heretable-Offices, Milns, Woods, Lochs, Fiſhings, Coal-heughs, Rights of Patronages, Teinds, Tenements, and

and others reſpective above-written, with all their Pertinents, lying, reſigned, applyed, unite, annexed and erected in manner reſpective above-ſpecified to the ſaid S. W. B, and to his Heirs-Male, Tailzie and Proviſion *reſpectivè* and *ſucceſſivè* above-mentioned (with and under the haill Conditions, Proviſions, Reſtrictions, Limitations, and Qualifications *reſpective* above-expreſt,) of his Majeſty and his Highneſs Succeſſors, in free Barony and Regality, with free Chappel and Chancellary, Burghs of Barony and Regality, in Fee Heretage and Regality for ever, by all Rights, Meiths and Marches of the ſame, old and deviſed, as the ſame ly in length and breadth, in Houſes, Biggings, *&c.* Moſſes, Mures, *&c.* Milns, Multures, *&c.* Hawking, Hunting, *&c.* Coals, Coal-heughs, *&c.* Woods, Fiſhings, *&c.* Court, Plent, *&c.* Furk, Foſs, *&c.* Fit and Gallows, *&c.* with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giving* therefore yearly the ſaid S. W. B. and the Heirs Male, Tailzie and Proviſion *reſpective* and *ſucceſſive* above-ſpecified, to his Majeſty and his Highneſs Succeſſors aforeſaid, the Blanch-duties and Feu-farm-duties *reſpective* under written, *viz.* for all & haill the ſaid former erected Barony of *K.* or *L.* comprehending all and ſundry the Lands, Baronies, and others *reſpective* above-mentioned, with all their Pertinents (except the ſaid Coal-heugh of *K.*) with the Pertinents therein unite, and the ſaids Lands of *L.* Boat, Fiſhings, and Pertinents thereof annexed to the ſame, an Penny Money of his Majeſties Kingdom of *Scotland*, with an pair of Golden-Spurs for the ſaids Lands of *B, C.* and *&c.* at the Principal-Meſſuage of ——, at the Feaſt of *W.* in name of Blanch-Farm, if it be asked allanerly. *And* for the ſaid Coal-heugh called *K.* Heugh, *&c.* the Sum of —— *lib.* —— *ſhill.* —— *pennies* Money of the ſaid Kingdom of *Scotland*, as the ancient Duty uſed to be payed of before, and in augmentation of the Rental yearly, the Sum of —, extending in the haill to the Sum of —— Money foreſaid yearly, at two Terms in the year *W.* and *M.* in Winter, by equal Portions, in Name of Feu-duty, and the Heirs of the ſaid S *W. B.* doubling the ſaid Feu-duty the firſt year of their Entry to the ſaid Coal-heugh, with the Pertinents thereof above ſpecified, as uſe is of Feu-farm allanerly. And for the ſaids Lands of *L, &c.* the Sum of —— Money of *Scotland*, with —— Poultry, or 4 Pennies Money foreſaid for each of them, in the option of the Payer. And for the ſaid Boat upon the Loch of *L.* pertaining thereto, called the Abbots-Boat, with the Priviledges and Pertinents thereof, the Sum of —— ſhillings Money foreſaid, how ſoon and whenſoever the ſaid Boat ſhall have acceſs and uſe upon the ſaid Loch, and ſhall be peaceably poſſeſſed and enjoyed by the ſaid S. W. B. and his foreſaids, and the Sum of —— Money above-written, in augmentation of the old Rental; and alſo, the Sum of —— Money foreſaid, of ancient Duty payable to the Convent and Monaſtry of *D*, extending in the haill to the Sum of —— Money above-ſpecified at two Terms in the year, W. and M, in Winter, by equal Portions, in Name of Feu-duty; and the Heirs of the ſaid S. W. B. doubling the ſaid Feu-farm-duty, the firſt year of the Entry, to the ſaid Fiſhing, and Boat with the Pertinents as uſe is, of Feu-farm, and performing the Suites of Court yearly, at the three Head Courts to be holden at the Tolbooth of *D.* or at any other place where it ſhall ſeem to his Majeſty expedient, at leaſt untill the ſaids Lands be altogether disjoyned in his Majeſties Parliament, from the ſaid Lordſhip and Regality of *D.* and no longer, and for the ſaid Priviledge and Juriſdiction of Regality, free Chappel and Chancellary, and Right of Juſticiary, and Burgh of Regality, Weekly Mercats and yearly Fairs, Priviledges and Pertinents thereof above-mentioned, twelve pennies Money of *Scotland*, at the Mercat-croſs of the ſaid Head-burgh of Regality at the Feaſt of *W.* in name of Blanch-farm if it be asked allanerly, and due and lawful Adminiſtration of Juſtice to his Majeſties Subjects within the ſaid Regality,

and for the said Advocation, Donation, and Right of Patronage of the said Paroch Church and Parochin of *K.* and Teinds, Parsonage and Vicarage thereof, an penny Mony of *Scotland* yearly, at the said Church at the Feast of *W.* in name of Blansh Farm if it be asked allanerly, for the said Advocation, Donation, and Right of Patronage of the said Paroch Church and Parochin of *P.* and Teinds Parsonage and Vicarage thereof, of two pennies Mony of the said Kingdom of *Scotland*, at the Paroch Church of P. at the Feast of *W.* in name of Blansh Farm if it be asked allanerly, as also the said S. *W. B.* and his foresaids paying the local modified Stipend and Augmentations, to the Minister serving the Cure at the said Church from time to time, and building and reparing the said Church and Kirk-yard Dykes thereof, and paying his Majesties Taxations, and other Burdens and Impositions whatsoever, imposed or to be imposed upon the saids Teinds to the Value and Quantity of the same, belonging and corresponding allanerly and no more; *and likeways* imploying and dedicating out of the saids Teinds of the said Parochen of *K.* the Sum of 100 *lib.* Mony of the said Kingdom of *Scotland* yearly, for the use of the said Hospital, by such Rules, Orders and Instructions as from time to time shall be made by the said *S. W. B.* and his foresaids, for the said heretable Office of Sheriffship of the said Sheriffdom of *K.* Priviledges and Pertinents thereof above-mentioned, and for the saids Fairs and Weekly Mercats new and old, holden, and to be held by the said S. *W. B.* and his foresaids, at the said Burgh of Barony of *K.* with Toles and Customs thereof, an penny Mony of the said Kingdom of *Scotland*, at the said Mercat-cross of *K.* at the said Feast of *W.* in name of Blansh-duty if it be asked allanerly, and due and lawful Administration of Justice to his Majesties Subjects within the said Sheriffdom, for all other Burden, Exaction, Question, Demand or secular Service that may be any ways justly asked or required by whatsoever person or persons, furth of the saids haill Lands, Baronies, Milns, Miln-lands, Multures, Rights of Patronages, heretable Offices, Teinds and others above-written, with the Pertinents, or any part thereof in time coming. And finally his Majesty faithfully promises *in verbo principis* to ratifie the said Charter and Infeftment, containing the said new Erection of Regality and Burgh of Regality, as also to dissolve and dismember the saids Kirk-Lands, Teinds, and others *respective* above-specified, from the saids Sheriffdoms *respective*, and from the saids Regalities of *A.* and D. and from his Majesties Crown and Patrimony thereof, in manner *respective* above-mentioned, in the first Session of his Majesties first Parliament; Requiring by thir Presents, his Majesties Estates of Parliament to ratifie and dissolve accordingly: *And that the said Charter be extended in the most ample and best Form, with all Clauses needfull: and that Precepts be orderly direct hereupon, in form as effeirs.* Given at

This Signature past at Court and ratified, with the said Dissolution and new Annexation accordingly.

SIGNATURE of the Muire of Muroman alias Montrenthmonth, *in favours of R. Earl of* S. *with several Privileges.*

OUR *SOVERAIGN LORD*, with the special Advice and Consent of (*here the Consents were taken in, according to the Constitution of the Exchequer, by an Lord high Thesaurer and Thesaurer-deput.* &c.) *Ordains* an Charter to be made and past under his Majesties Great Seal, in due and competent Form, giving, granting and disponing, likeas his Majesty with Consent

Conſent foreſaid, by thir preſents gives, grants and diſpones to his Majeſties truſty Couſin and Counſellour *R.* Earl of S. and to the Heirs Male lawfully procreat or to be procreat of his Body, whilks failzieing to his Heirs Male whatſomever, whilks failzieing to his Heirs and Aſſigneys whatſoever heretably and irredeemably, *All and haill* the Muire of *Montrenthmonth*, with Parts, Pendicles, Priviledges, Commodities and Pertinents thereof whatſoever, now pertaining, or at any time bygone, known to have appertained and belonged to the ſame, lying within the Sheriffdom of *Forfar*, with full Power, Liberty and Privilege to the ſaid *R.* Earl of S. and his foreſaids to labour and manure the ſaid Muire, and to give the ſame in Aſſedation to Tennents, and to build Houſes and Toſts thereupon, or any part thereof, and to make and uſe other Deeds of Property within the ſame, as their own Property in all time coming, and to ſeclude and debar all other perſons whatſoever already intruders, or to intrude in the Poſſeſſion of the ſaid Muire, or any part of the ſame, or by moving or improving pretext of property or Commonty paſturing of Beſtial, caſting of Feual, Feal and Divot, building Houſes or Onſteeds upon the ſaid Muire, or by uſing the ſame otherways, as their own Property and Comonty, and to dimoliſh and caſt down all and ſundry Houſes, Toſts or Onſteeds, and Walls whatſoever built by any perſon or perſons, and to diſpoſſeſs and remove them from the ſaid Muire or any part thereof, together with all Right, Title, Action, Intereſt, Claim of Right, Property or Poſſeſſion whatſoever als well Petitor as Poſſeſſor, whilks his Majeſty, his Predeceſſors or Succeſſors had, have, or any ways may have Claim, or pretend to the ſaid Muire, or any part thereof in any time bygone or to come, to be poſſeſt and enjoyed by the ſaid R. Earl of *S.* and his foreſaids heretably and irredeemably, alſo in all time coming, without any Right or Title to be acclaimed by his Majeſty or his Highneſs Succeſſors to the ſame, or any part thereof any manner of way, and to the effect that the Charter and Infeftment of the ſaid Muire, Parts, Pendicles and Pertinents thereof may be the more effectual, his Majeſty with Conſent foreſaid, has diſſolved and disjoined, and by thir preſents, for his Highneſs and his Succeſſors, diſſolves and disjoines the ſaid Muire of *Montrenthmonth*, Parts, Pendicles, Priviledges and Pertinents thereof from his Majeſties Crown and Patrimony formerly, with the Pertinents annexed thereto, and to be repute, eſteemed and holden as no part or portion of the ſame for the future, *to be holden*, and for to hold *all and haill* the ſaid Muire of *Montrenthmonth*, with the Parts, Pendicles, Priviledges, Commodities and Pertinents of the ſame, lying as ſaid is, to the ſaid truſty and well beloved, his Majeſties Couſin and Counſellor R. Earl of S. and to the Heirs Male of his Body, whilks failzieing to his Heirs Male whatſoever, whilk failzieing to his Heirs and Aſſigneys whatſoever, of his Majeſty and his Royal Succeſſors, in Feu Farm and Heretage for ever, by all Rights, Meiths and Marches of the ſame, old and diviſed, as the ſame ly in length and breadth, in Houſes, Biggings, Fields, Bounds and paſtourages, Leaſures, Meadows, Muirs, Mariſhes, Milns, Multures and Sequels thereof, Halking, Hunting, Fiſhing, *&c.* Coals, Coalheughs, *&c.* Smiths, Smiddies, *&c.* with Court-plent, *&c.* with common Paſtourage, free Iſh and Entry, and with all and ſundry other Liberties, *&c.* freely, quietly, *&c.* but Revocation, *&c.* *Giveand* therefore yearly, the ſaid R. Earl of S. and his foreſaids, to his Majeſty and his Succeſſors, the Sum of ſix ſhilling and eight pennies Mony of the ſaid Kingdom of *Scotland*, in name of Feu Farm, at two Terms in the year, *W.* and *M.* in Winter by equal portions, and the Heirs of the ſaid R. Earl of S. doubling the ſaid Feu-duty the firſt year of their Entry, as uſe is, of Feu Farm allanerly, and that for all other Burden, *&c.* And his Majeſty promiſes in *verbo principis* to ratifie the ſaid Charter and Infeftment in his Highneſs next Parliament, and for that Effect thir

Presents to be an sufficient Warrand: And that the said Charter be extended in ample Form, with all Clauses needful, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at*

SIGNATURE of Confirmation for Relief of Cautionries, and other Ingagements of the eldest Son for the Father, and likeways for him and his Friends at the Fathers desire, and by him declared and acknowledged; And likeways for security of the Sons Annuity payable to him by Contract of Marriage, and particularly for Relief of all Debts before the Sons Fee, or that thereafter he had contracted or should contract for, or with him, conform to the Disposition granted of Lands for that effect.

OUR SOVERAIGN LORD, with the special Advice and Consent of (*here take in the Consents according to the Constitution of the Exchequer for the time, and then say*) Ordains a Charter to be made and past under his Majesties Great Seal of the said Kingdom, in due and competent form, Ratifying, Approving, and for his Highness and his Royal Successors perpetually confirming; Likeas his Majesty with Consent foresaid, by thir presents, Ratifies, Approves, and for his Highness and his Successors aforesaid perpetually confirms, an (6) Right and Disposition of Relief, (containing Precept of Seasin) made and granted by *S. A. C.* elder of *L.* to his Majesties well-beloved *S. A. C.* younger of L. his Son, dated— day of ——— —years whereby the said *S. A. C.* elder (for his said Son his Relief of all Debts, and Sums of Money for which his said Son was obliged or should be obliged, either conjunctly with his said Father in any Bonds or other corroborative Securities, for Debts and Sums of Money contracted or to be contracted for the use of the said *S. A. C.* elder, and which haill Debts so contracted, or to be contracted by them conjunctly in any Obligation or other Security, the said *S. A. C.* elder declared the same to be and understood for his own proper use and utility, as also for Relief of all other Debts, for which the said *S. A. C.* younger is or may be obliged, as contracted by his said Father before the Right of Fee of his said Son of the Barony of *L.* and in like manner, of all other Debts for which the said son is obliged, or shall happen to be obliged with his said Father and his Friends, for sums contracted and applyed for the use of their saids Friends, and for security of as much as is due, or shall happen to be due to the said son, of the Annuity payable to him yearly by his said Father, conform to his Contract Matrimonial, in manner specified in the said Right and Disposition, and likeways for the other onerous Causes therein-mentioned) Sold, Annalzied and Disponed to the said S. *A. C.* younger, and to his Heirs-male and Assigneys heretably (with and under the Provision and Condition therein expreſt, *All and haill* the Lands of *B.* (*here were the Lands and others insert, and then*) and sicklike all and haill his Liferent of the Lands and Barony of L. and of the principal Office of Usher to his Majesty, and of his Fees, Pensions and Casualities thereof, and bound and obliged him and his Heirs on their own Charges to Infeft and sease his said Son and his foresaids therein, by double Infeftments, to be holden with Warrandice, and under Reversion, in manner specified in the said Disposition, as the same containing Precept of Seasin, and divers others Obligements, Articles and Clauses in it self more fully proports, together with the Precept of Seasin therein insert, and Instrument of Seasin following, or to follow thereupon, in the haill Heads, Obligements, Articles, Clauses, Conditions, Tenors and Contents thereof; And his Majesty wills and grants (7) and for his Highness and his successors (with Advice and consent foresaid) Decerns, and Ordains, that the said General Confirmation is, and shall be als valid and suffi-

ſufficient, and of as great Force, ſtrength and Effect, to all intents and purpoſes to the ſaid S. *A. C.* younger, and his foreſaids, as if the ſaid (8) Right and Diſpoſition, Precept of Seaſin, Obligements and Proviſions therein-contained, and Inſtrument of ſeaſin following, or to follow thereupon, were word by word here inſert, and as if this preſent Confirmation were granted before taking of ſeaſin of the ſaids Lands, whereanent, and with all other exceptions and Objections that may be any ways Moved, Proponed or alledged againſt the validity of the ſaid Confirmation: His Majeſty (with Advice and Conſent foreſaid) has diſpenſed, and by thir preſents diſpenſes for ever, ſafeing and reſerving always to his Majeſty and his Royal ſucceſſors, the Duties, Rights, ſervices and Caſualities (if any be) due and payable to them furth of the ſaids Lands, or any part thereof at any time before the ſaid Confirmation, and that the ſaid Charter be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in form as effeirs. *Given at*

Nota, *Some only engage in ſuch & ſuch particular Debts, and to ſuch particular perſons, and in the Band of Relief are ſo ſet down and enumerat, and in effect is the better way than to have the Debts in the general, which may afterwards prove but a ſeed of Plea at the beſt, at other times, The Creditor will not lend his Money by following the Faith of Cautioners, but will have them all* Principals, *as if a* Fide-juſſor *were not in Law, and by his Obligation as well bound to the payment of the Debt as a principal* Party, *and even in that ſame caſe, albeit the Parties become all Principals, the Creditor will not allow no Clauſe of Relief in his Bond, either from the real Principal Party who truely receives the Money, to the other Obligants, with an acknowledgement, that albeit all be Principals, yet the whole Money was received by ſuch a perſon one of the Subſcribers, and applyed for his uſe and behove, and no part thereof by or to the behove of the other perſons, nor yet will allow a conjunct Relief amongſt themſelves, I mean the perſons who truely upon the matter ſhould only be Cautioners, and in that caſe the Perſon who truely receives the Money muſt give a Bond a part, and ſhould be (if poſſible) of the date of the Bond ſubſcribed by all, narrating the former Bond, and ſubſuming, that albeit to ſatisfie the Creditor all of them ſubſcribed as Principals, granting the borrowing & receiving of the Money, & they & their Heirs, &c. obliged conjunctly & ſeverally to pay the ſame; Yet the Truth is, the whole Money was truely and really received by the ſaid —— and applyed by him for his own uſe and behove, and no part thereof for the uſe of the other Subſcribers, and it being juſt and reaſonable they be relieved and ſecured thereanent, therefore he obliges him and his to do it (in the terms of the Stile of that Nature firſt Part of the Work, to which the Index will lead you, and if the Sum be great and a Relief granted by a heretable Bond and Infeftment in Land, (whereof you alſo have a Stile in the ſaid Firſt Part, to be found by the Index) and that a perſon reſolve for his Security and ſaftie to Confirm, then it alters from the former* Signature, *and after the* (6) *Figure continue the Stile thus.*

SIGNATURE of Confirmation of a Heretable Bond granted by a Gentleman to three Persons, who albeit they ingaged as Principals with him to satisfie the Creditor, yet got none of the Money, and therefore bound to relieve them; and upon which Bond, Seasin followed in the Gentlemans Estate.

OUR SOVERAIGN LORD (with the special Advice and Consent of *(here take in the Consents, and then say)* Ordains a Charter to be made and past under his Majesties Great Seal of the said Kingdom, in due and competent Form, Ratifying *(as in the former Signature till the Figure of (6) and then say)* an heretable Bond granted by *A. B.* of — to *C. D.* of — *W. M.* of — and *L. H.* of — dated the — day of — — years, making mention, that albeit all of them by their Bond of the date of the said Bond of Relief, became conjunct Principals, and granting themselves to have borrowed and received from G. D. of — the Sum of — *Scots* Money, and obliged them conjunctly and severally their Heirs, Executors and Successors, to pay and deliver the same to the said *G. D.* his Heirs and Assigneys (excluding Executors) betwixt the date thereof, and the term of — — years, with the Sum of — Money foresaid of liquidat Expenses in case of failzie, and Annualrent from the date to the said Term, and thereafter during the not payment, Yet the truth was, they only ingaged as Principals to satisfie the said *G. D.* the Creditor, who would accept of no Cautioners, but that truely and really the said *C. D. W. M.* and *L. H.* received no part of the Money, and the whole thereof only received by the said *A. B.* and solly applyed by him for his own use and behove, and therefore the said *A. B.* band and obliged him and his foresaids to warrand *(here take in the Obligement of Relief in the precise terms of the Bond of Relief, whether it be only simply to warrand, or if to pay the Money at the Term, and report the Bond to be cancelled, or to relieve at the Term, as well not distressed as distrest, and if there be a Penalty, let it be insert also, and then say* And for the forenamed Persons their farther Security thereanent, and but any derogation to the said personal Obligement or Innovation thereof in any sort, but in farder corroboration of the same *accumulando jura juribus*) band and obliged him, his Heirs and Successors, duely and sufficiently to Infeft and Sease the said *C. D. W. M.* and *L. H.* and their foresaids, in all and haill the Town and Lands of — *(here insert the Lands, Teinds and others as in the Bond of Relief, and then say)* lying within the Parochin of — and Shireffdom of — and that by double Infeftments and manner of Holdings, to be holden *à me* or *de me*, and with Warrandice, and under Reversion in manner specified in the said Bond of Relief, which contains divers other Heads, Obligements, Articles and Clauses conceived in favours of the said *C. D. W. M.* and *L. H.* and their foresaids, in relation to their said Relief, together with the Precept of Seasin therein insert, and Instrument of Seasin following, or competent to follow thereupon, in the haill Heads Articles and Clauses of the same: And his Majesty (with Consent foresaid) wills and grants *(after this follow furth the Stile of the former Signature from the figure of (7)* usque ad finem; *Only advert that whereas in the former it bears, as if the said Right and Disposition Figure (8) say here,* as if the said Heretable Bond of Relief, *and conclude in all the rest till ye come to* Given at

Nota, *At other times, a person as Principal, and others only as Cautioners grant Bond, and the Principal at times (if the Sum be great) gives a heretable Bond for Relief, containing Precept of Seasin, and should there be a Confirmation desired, it is most easie and after insert.*

SIGNATURE

SIGNATURE of Confirmation, in favours of Cautioners, of their Infeftment of Releif in the Principal Parties Eſtate.

OUR SOVERAIGN LORD (*take in the Conſents as formerly enjoined, and then ſay*) Ordains an Charter to be made and paſt (*here take in the Stile of the Signature of Confirmation* Page 644, *till ye come to the* (6) *Figure, and then ſay*) Heretable-Bond of Releif, granted by *A. B.* of —— to *C. D.* of —, W. M. of —, and *L. H.* of —, dated the —— day of —— years, whereby he bound and obliged him, his Heirs, Executors and Succeſſors, to warrand, free, releive, harmleſs and skaithleſs keep, them, their Heirs, Executors and Succeſſors of their Cautionry for him in a Bond granted by him as Principal, and the forenamed perſons as Cautioners conjunctly and ſeverally, to *G. D.* of ——, his Heirs and Aſſigneys (ſecluding Executors) thereupon, of the date of the ſaid Bond of Releif, for the Sum of —— *Scots* Money of Principal, payable at the Term of —— years, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, and Annualrent from the ——, to the ſaid Term, and thereafter during the not Payment, and of all coſt, skaith, damnage, intereſt, charges and expenſes they might happen to ſuſtain or incur therethrow, by whatſomever manner of way thereafter in time coming. And for their farder Security thereanent (*after this follow furth the Stile of the immediat former Signature* uſque ad finem.

SIGNATURE of ſeveral Diſpoſitions, Charters, Tacks, Aſſedations, Sub-tacks, Seaſins, and others, not unworthy of Reading and due Obſervation.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents, and then ſay*) Ordains an Charter to be made and paſt under his Highneſs Great Seal of the ſaid Kingdom, in due and competent Form, Ratifying, Approving, and for his Highneſs and his Royal Succeſſors pepetually Confirming, likeas his Majeſty (with Advice and Conſent foreſaid) by thir preſents, Ratifies, Approves, and for his Highneſs and his Royal Succeſſors, perpetually confirms to L. M. of *A.* and to his Heirs-Male and Aſſigneys in all time-coming, the Diſpoſitions, Charters, Aſſedations, Tacks, Sub-tacks, Seaſins, and others after-ſpecified, *viz.* an Diſpoſition and Feu-Right of the date at *C.* the —— day of —— years, made and granted by *S. H. C.* of *C.* heretable Proprietar of the Lands and others under-written, in favours of the ſaid *L. M.* and his Heirs-Male and Aſſigneys whatſoever, heretably and irredeemably, of all and haill the ſaid *S. H. C.* his half of the Town and Lands of —— lying within the Lordſhip of *S.* and Sheriffdom of *I.* together with the Multures and Sequels of the ſaids Lands, and liberty of bigging an Miln thereupon, with all right, title and intereſt whilks he had, or any ways may pretend thereto, or any part thereof, in all time-coming, to be holden of the ſaid *S. H. C.* and his Heirs and Succeſſors, in Feu-farm, Fee and Heretage for ever, for yearly payment to them of the Sum of 10 Pounds Money of the ſaid Kingdom, at the Feaſt of *M.* yearly, in Name of Feu-farm, and doubling the ſaid Feu-duty the firſt year of the entry of the Heir to the ſaids Lands and others foreſaids, as uſe is of Feu-farm, and diſponed to the ſaid *L. M.* and his foreſaids, all Liferent-Eſcheats, whilks ſhould fall in their Hands as Superiors foreſaids, and all Profits and Commodities of the ſame, for payment in that caſe of the Sum of 10

merks Money foresaid, als oft and how oft as they should happen to occur and fall out, except the denunciation be at the Superiors instance allanerly. And likeways constitute the said *L.* and his foresaids, Heretable-Baillies of the saids Lands and others above-specified, with Power to them and their Substitutes in their Names (for whom they shall be answerable to the said S. *H.C.* and his above-written,) to hold and keep Baillie-Courts within the saids Lands and Bounds thereof, to and upon the Tennents and Inhabitants of the same, and others concerned, and to administrat Justice to all persons having Interest, and to punish all Transgressors for Blood and Bloodwaits, and other Crimes, Faults and Deliets committed by them, and pertaining to the said Court, and to begin, affix and continue the saids Courts als oft as need beis, to make Citations, call Suits, Absents to Amerciat, and the Amerciaments and Escheats of Outlaws in the said Court, with the Herezalds of the saids Lands, to uplift and to apply the same for their own use) and if need beis, to Poynd and Distrinzie therefore, Clerks, Serjants, Officers, Dempsters and other Members of Court needful, to make, creat, ordain, and cause be sworn, and for whom they shall be answerable, (and with divers other Priviledges and Liberties therein expressed) together with the Precept of Seasin therein-contained, and Seasin following thereupon, dated the —— day of —— thereafter; *Item*, An Letter of Tack and Assedation, by way of Contract, made and past betwixt the deceast *J.* Earl of *M. L. D.* and *A.* Heretable-Proprietar of the Barony of *S.* (whereof the Lands and others under-written are proper parts and pertiments) on the one part, and *T. F.* younger of *S*, *&c.* on the other part, dated at *P*, and *S*, the —— day of ——, and —— day of —— 1639, Regiſtrat in the Commiſſar-Court-Books of *I*, the — day of —, whereby the said Noble E. (for the Causes therein-specified) Set, and in Tack and Assedation, for the Mail and Duty under-written, Lett to the said *T.F.* younger of *S*, and to his Heirs and Assigneys, Sub-Tennents and Servants whatsoever, all and haill the half-davach Lands of *W*, easter *A*, with Houses, Biggings, *&c.* Miln, Multures, and Sequels thereof, and that for all the days, space, years and terms of nineteen years immediatly susequent the said *T.* his entry thereto, which was at the date of the said Assedation, and after the ish and expiration of the said nineteen years, for all the days, space, years and terms of other nineteen years, and after the ish and expiration of the said second nineteen years, for all the days, space, years and terms of other nineteen years, and thereafter from nineteen years to nineteen years, for all the days, space, years and terms of twenty-times nineteen years, to be fully and compleatly expired, without any interval and breach of time, years, or terms; and after expiration of the said time and space of the first twenty times nineteen years, for all and haill the years and terms of other twenty times nineteen years&ay&while the full&compleat ish and expiration of the said second twenty times nineteen years, &after the ish of the said second twenty times nineteen years, for all the days, space, years and terms of other twenty times nineteen years, and ay and while the full and compleat ish and expiration of the said three twenty times nineteen years; With full Power to the said *T.F.* younger, and his foresaids, during the said space, peaceably to enjoy, labour, use, and dispone upon the saids Lands and others above-written, with the Pertinents, and to in-put and out-put Tennents therein, and furth thereof, Courts for the said end and effect, and payment of the Duties, to keep and hold, and to creat all Members of Court als freely as if they were infeft and seased therein, and with all and sundry other Commodities, Liberties, Easments, and righteous Pertinents belonging thereto, or that shall be known to appertain to the same, freely, quietly, well and in peace, but any revocation, impediment, obstacle, or again calling whatsoever, and disponed their Escheats if they fell, in favours of the said *T*, and his foresaids *Gratis*,

and

and diſpenſed with all Nullities and Irritancies in caſe of not payment of the yearly Tack-duty of three Pound Money foreſaid therein-mentioned. *Item* an Heretable-Right and Sub-Tack of the ſaids Lands and others foreſaids, made by *T. F.* of *S.* Heir ſerved and retoured to the ſaid *T. F.* of *S.* younger his Father, for the haill ſpace of the Years and Terms of the ſaid principal Tack as yet to run to the ſaid *L. M.* and his foreſaids, dated the —— day of —— —— years, *Item*, an principal Tack and Aſſedation by way of Contract paſt betwixt *A. E.* of M. and the ſaid L. M. on the one and other parts, of the date at *C. 6. december* 1661. whereby the ſaid noble E. ſet in Tack to the ſaid *L.* M. and his Heirs Male and Aſſigneys of the Sirname of M. and G. allanerly, for all the days, ſpace, years and Terms of the ſaid *L.* M. his Lifetime, and after his deceaſe, to his Heirs Male aforeſaid, during his Lifetime, and after his deceaſe to another Heirs-male during his lifetime, and after his deceaſe to an third Heir-male for the ſpace of 19 years, and after expiration of the ſaid 19 years for the ſpace of other 19 years, and after expiration of the ſaid ſecond 19 years, for the ſpace of other 19 years, and after expiration of the ſaid three lifetimes, and three nineteen years, for all the days, ſpace, years and Terms of other three Liferents, and three nineteen years, and after expiration of the ſaids other three liferents and three 19 years, for all the days, ſpace, years and Terms of other three liferents and three 19 years, and after expieration of the ſaids 3 Liferents, and three 19 years, for all the days, ſpace, years and terms of other three Liferents, and three nineteen years, and after elapſing of the ſaid fourth three liferents and three 19 years, for all the days, ſpace, years and terms of other 3 liferents and three 19 years, and after expiration of the ſaid fifth three liferents and three 19 years, for all the days, ſpace, years, and terms of other three liferents and three 19 years, and ſo the ſaid Tack and Aſſedation ſhall continue and endure to the ſaid *L.* M. and his Heirs-male and Aſſigneys above-ſpecified, of the Sirname of M. and G. for all the days, ſpace, years and terms of ſix three liferents and ſix three 19 years, without any Intermiſſion of time, *All* and *haill* the Davach Lands of meikle and little *A.* with the Miln *&c.* lying within — and their Entry declared to be at the Feaſt of *W.* preceeding, and thereafter to continue and endure in the peaceable Poſſeſſion, enjoying and bruiking thereof, and thereupon to uſe and diſpone, with Priviledge of Courts, Creating of Clerks and other Members, and of other Priviledges, Liberties, Commodities and Immunities therein-ſpecified, and for payment of the yearly Tack-duty therein contained, all here holden as for expreſt *brevitatis cauſa*, Precepts of Seaſin therein inſert, and Inſtruments of Seaſin following thereupon, dated the 14 *December*, and regiſtrat in the particular Regiſter then kept at *I.* the 16 of the ſaid Month and year, *Item* an Contract betwixt the deceaſt *I. E.* of M. and Eugenious M. in E. on the one and other parts, of the date the —— day of —— —— years, whereby the ſaid noble *E.* (for the Cauſes therein ſpecified) Gave, diſponed, and in Feu-farm Set to the ſaid *E.* M. and his Heirs-male and Aſſigneys whatſoever heretably and irredeemably, *All and Haill* the Lands of meikle and little B. *&c.* lying within —— and obliged him his Heirs and Succeſſors to infeft and Seaſe the ſaid *E.* M. and his foreſaids therein, to be holden of the ſaid Earl his Heirs-male and Succeſſors whatſoever Earls of M, in Feu Farm and Heretage for payment of the Feu-duty therein mentioned, at the Terms therein expreſt, and doubling the ſaid Feu-duty the firſt year of the Entry of each Heir to the ſaids Lands, and with all other Liberties, Immunities and Priviledges therein rehearſed, here holden as for expreſt *brevitatis caſa*, with the Charter following hereupon, of the date thereof, Precept of Seaſin therein contained, and Inſtrument of Seaſin following therepon, dated the — day of — regiſtrat the — *Item* an Charter of the date the —— day of ———— years, granted by umquhil *I. E.* of M. to the ſaid

E. *M.* and M. N. his Spouſe, the longeſt Liver of them two in conjunct Fee, and to the Heirs Male betwixt them, whilks failzieing to the ſaid *E.* M. his Heirs-male and Aſſigneys of the Sirname and Family of Mc*P.* and *G.* whatſoever, of all and haill that Pleugh and half pleugh of Land of *I.* and *B.* &c. to be holden of the ſaid noble E. and his foreſaids in Feu-Farm, for payment of the Duty therein expreſſed, and with all other Liberties and Priviledges therein contained, Precept of Seaſin therein inſert, and Inſtruments of Seaſin following therenpon, dated the — and regiſtrat the —— together with the Rights and Infeftments granted to the ſaid L. M. and his Predeceſſors by the ſaid Eugenious M. or his Succeſſors of the ſaids Lands of M. and little *B.* and Miln thereof, and of the ſaids Lands of *I.* and *B.* Multures and Pertinents thereof above-mentioned, in the haill Heads, Obligments, Articles, Clauſes and Conditions of all the ſaids Tacks, Aſſedations, Contracts, Diſpoſitions, Charters, Seaſins and other Rights above-confirmed; and his Majeſty Wills and Grants, and for his Highneſs and his Royal Succeſſors decerns and ordains the ſaid general Confirmation to be als valid and ſufficient, and of als great Force Strength and effect to all intents and purpoſes, to the ſaid L. M. and his foreſaids in all time coming, as if the ſaids Tack, Aſſedation, Contracts, Sub-tacks, Diſpoſitions, Charters, Seaſins, and other Writs and Rights generally above confirmed, were word by word herein particularly and at length inſert, and as if the ſaid Confirmation were granted before taking of Seaſin, & death of the Authors and Predeceſſors of the ſaid *L.* in the ſaids Rights, albeit the ſame be not ſo done, whereanent and with all that may follow thereupon, or may be objected againſt the validity thereof, and with all Nullities, Faults and Imperfections therein, his Majeſty has diſpenſed, and for his Highneſs and his Royal Succeſſors (with Conſent foreſaid) by thir preſents diſpenſes for ever, Saſing and Reſerving always, to his Majeſty and his Highneſs Succeſſors the Feu-duties and other Duties (if any be) due and payable to them furth of the ſaids Lands and others above-ſpecified, and contained in the original Infeftments and Rights of the ſame, at any time before the ſaid Confirmation, and that the ſaid Charter be extended in moſt ample Form, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at*

Nota, *It may be thought ſtrange why ſuch long Tacks are granted, and have not been given out in Feu Farm as the other Lands were: The Anſwer may be clear and obvious, for it is like manie ſuch have been granted by the ſame Author for conveniency, but could not Feu, leaſt being a major part, might infer* Recognition *if the Lands held of the King, by* Service of Ward and Relief, *and albeit it may be ſuppoſed (if not urged) that a Confirmation previous to a* Seaſin, *might prevent that inconveniency, as to that confirmed, yet what ſhould come of the* Reſidue or leſſer part, *which I leave to Lawers, & no queſtion Lawers have preſcribed thir long Tacks as the more ſafe way, (being no Alienation but an Aſſedation) and yet as to the Duration of the* Poſſeſſion, *and* Benefit *intended was the ſame materially.*

Nota, *I have ſeen a* Signature *procured by the Good-Town from the King, of all the Cellars, Vaults, Foſſes, Chambers, or what elſe under* Ground, *or the* High-Streets *of the* City *and* Suburbs, *as fallen in the Kings Hands, by the Heretors their Incroachment on the* Streets *belonging to his Majeſty, and in effect the true effects of Purpriſion, being done without the* Kings *Conſent, but the Magiſtrats for the time Procurers thereof, were juſt in not taking advantage of the Honeſt Neighbours, whoſe* Property *is thereby ratified, and ſo continues with themſelves, but amongſt them payed the Expenſe, wherein there was no Injuſtice, and being done according*

according to the import of each perſons concern (whether ſmall or great) ſhew no inequality in the matter. It is truly a pretty Signature, well Penned, and no leſs Conſulted, and I no further concerned in it then as Depute-Keeper to paſs it at the Privy Seal.

Having written all I intend by way of Signatures in civil Matters, whether by Conveyances in a Legal or Conventional way, or by Gifts and Donations that paſs in Exchequer, and the whole Seals. In the next place, I judged it convenient to ſet down ſome Remiſſions, of various kinds, and of diſtinct Crimes, which likewiſe paſs in Exchequer, and expede the whole Seals; ſome whereof onlie for Life, and others for Life and Fortune, and others containing a Rehabilitation, with a Redintigration to their former Honours and Capacities, and declared to be habile as Witneſſes and paſſing on Inqueſts and Aſſiſes.

SIGNATURE of Remiſſion for Adulterie.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here the Conſents are taken in according to the Conſtitution of the Exchequer for the time, and then follows*) Ordains an Letter of Remiſſion to be made, and paſt under his Majeſties Great Seal of the ſaid Kingdom, in due and competent Form, Remitting and Pardoning, likeas his Majeſty for himſelf and his Royal Succeſſors (with Conſent foreſaid,) by thir Preſents, freely Remits and Pardons *D.G.* in the Paroch of *K.* the filthy Crime of Adultery, committed by him with *E.B.* his Servitrix, the —— days of the Months of ——, or —— laſt by-paſt, or any other day or days of the ſaids Months and Year foreſaid, with all rancor, envy and malice which his Majeſty has or may have againſt him for the ſaid Crime, together with all Action, Inſtance and Execution, als well Civil as Criminal that may be moved or proſecute againſt the ſaid *D.G.* his Perſon or Goods, Heretable or Movable; Inhibiting and Diſcharging his Majeſties Juſtice-General, Juſtice Clerk, the Lords Commiſſioners of Juſticiary, the Lords of his Highneſs Theſaury and Exchequer, and his his Majeſties Advocat for his Highneſs Intereſt, from all conveening, purſuing, apprehending or convicting of the ſaid *D.G.* for the ſaid Crime of Adultery, and of their Offices in that part in all time-coming, becauſe the ſaid *D.G.* gave Caution and Soverty to give ſatisfaction to the Church. And that the ſaid Letter of Remiſſion be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct thereupon, in form as effeirs. *Given at*

Nota, *Remiſſions of this nature paſs in Exchequer in courſe, having a Commiſſion for that effect, and not under the Kings own Hand, without it be of great import.*

SIGNATURE of Remiſſiom for Læſe Majeſtie *or Treaſon, in favours of* P. H. *but only as to Life, and with a Reſerve of the Eſtate real and perſonal belonging to him the time of the Doom of Forfeiture, and yet with a liberty to acquire and ſucceed to any other Eſtate thereafter.*

OUR SOVERAIGN LORD, Ordains an Letter of Remiſſion to be made and paſt under his Majeſties Great Seal of his ancient Kingdom of *Scotland*, in due and competent Form, making mention, that his Majeſty conſidering that *P. H.* ſecond lawful Son of *A. H.* of *K.* moſt unadviſedly, and out of his youthly ignorance, and by the incitement and pernicious counſel of ſome of the Rebels, was inſnared and had acceſſion to the late Rebellion againſt his Highneſs deareſt Brother *Charles* the ſecond, of bleſſed memory, within his ancient Kingdom of *Scotland*, in the Months of —— —— years, and that the ſaid *P. H.* was condemned and forfeited for that Cauſe, in a Juſtice-Court, holden at —— the —— day of —— by the Lords Juſtice-General, Juſtice-Clerk, and Commiſſioners of Juſticiary of his Majeſties Kingdom aforeſaid, as in the Decreet and Sentence of Forfeiture given and pronounced thereanent, more fully bears; and his Majeſty underſtanding, that the ſaid *P. H.* does altogether hate and abhore the ſaid Crime of Rebellion and Læſe Majeſty committed by him, and that with great ſenſe and remorſe he has repented thereof, and given great and ſufficient Teſtimonies and Evidences to the Lords of his Majeſties Privy Council, of his indignation and great hatred and deteſtation againſt all Actions and Rebellious Principles, and of his intention and reſolution of living as a faithful and dutiful Subject for the future, as the Act of Recommendation granted by the ſaids Lords of his Highneſs Privy Council thereanent more fully bears. And his Majeſty chooſing rather, and being graciouſly pleaſed to reclaim every one of his Highneſs Subjects acknowledging their Crimes, and penitent thereof, than to inflict upon them what due of the Law for ſuch Crimes: *Therefore* his Majeſty, of his innate Goodneſs, Clemency and Mercy (with the ſpecial advice and conſent of his Highneſs right truſty and well-beloved Couſins and familiar Counſellors (*here were all inſert, the Conſtitution being then in a Theſaurie, and then alſo with advice and conſent of the remanent Lords and others of his Majeſties Exchequer of the ſaid Kingdom*) Remitting, Indemnifying, Pardoning, Forgiving, and in oblivion for ever Interring, likeas his Majeſty by thir Preſents (with advice and conſent foreſaid) Remits, Indemnifies, Pardons, Forgives, and in oblivion for ever Interrs to the ſaid *P. H.* the ſaid Crime of Læſe Majeſty, Inſurrection and Rebellion committed by him, in that he took up Arms and joyned himſelf with the Rebels, and thoſe in Rebellion, guilty of Læſe Majeſty, who appeared Armed againſt his Majeſties deareſt Brother *Charles* the ſecond of bleſſed memory, and his Perſon and Government, and by his Power ſcattered and overthrown the ſaid year at ——, or that the ſaid *P. R.* had acceſſion to the ſaid Rebellion, or was found in Arms, ſupplyed or furniſhed Riches and Help to any of the ſaids Rebels, or had converſe with them the time foreſaid, or any time by-gone or afterwards, or whatever he did or acted in their favours, and in like-manner all and ſundry other Crimes of læſe Majeſty and Rebellion whatſoever, by any thing done, ſpoken, adviſed or contrived by him, whereby he may be any manner of way burdened or affected, or whereof he was Actor, Airt and Part at any time by-gone, preceeding the day and date hereof, ſpecially and truely the ſaid Sentence of Forfeiture given and pronounced againſt him, and all execution thereof, with all following or competent to follow thereupon (6) as to his life allanerly, without

out prejudice always to his Majeſty, and his Donators, of any benefit accreſcing to his Majeſty by the ſaid Sentence of Forfeiture of his Eſtate, Poſſeſſions, Goods, movable and immovable pertaining to him the time of the ſaid Sentence. And notwithſtanding, his Majeſty of his ſpecial Grace and Favour, Rehabilitats, Repones and Reſtores the ſaid *P. H.* againſt the ſaid Sentence, ſo as he is rendered capable of bruiking and enjoying any Lands, Offices and Goods accreſcing or falling to him from the time of the ſaid Sentence, or ſhall happen hereafter to acquire during his Lifetime, or to which he may ſucceed: As alſo, Repones all Deſcending of him (in ſo far) againſt the ſaid Sentence of Forfeiture, by which they are rendered incapable or inhabile of enjoying and poſſeſſing Lands, Honours, Offices and Goods whatſoever. (7) *Moreover*, his Majeſty for himſelf and his Royal Succeſſors, Inhibites his Highneſs Juſtice-General, Juſtice-Clerk, Lords Commiſſioners of his Majeſties Juſticiary, his Highneſs Advocat, and all other Judges and Miniſters of the Laws, that they do not preſume any furder to execute the ſaid Sentence of Forfeiture, and from all furder accuſing, citing, indicting, or purſuing of the ſaid *P. H.* for the Crimes aforeſaid, or any other Crimes of Rebellion, or læſe Majeſty, committed by him before ſigning of thir Preſents, and from all moleſtation, incarceration, or troubling of him in his perſon, or perſonal Liberty, (9) and of their Offices in that part, in all time-coming. And that the ſaid Letter of Remiſſion, be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in form as effeirs. *Given at*

Nota, *The King at other times grants Remiſſion, both as to Life and Fortune, and differs nothing from this, except to omit betwixt the Figure* (6) *and the Figure* (7) *as to Life and Eſtate real and perſonal; and in place thereof, inſert the following Clauſe*, And farder his Majeſty of his ſpecial Grace and Favour, by thir Preſents (with Advice and Conſent foreſaid) rehabilitats, repones and reſtores the ſaid *P. H.* againſt the ſaid Sentence and Doom of Forfeiture, ſo as he is hereby rendered capable, not only of bruiking and enjoying any Lands, Offices, and Goods accreſcing, or ſhall fall to him from the time of the ſaid Sentence, or ſhall happen hereafter to acquire during his Lifetime, or to which he may ſucceed, but alſo even all the Eſtate real and perſonal belonging to the ſaid *P. H.* the time of the ſaid Sentence of Forfeiture, in the ſame ſtate and condition as he was in, before his committing of, or being in acceſſion to, all or either of the ſaids Crimes, particularly or generally above-ſpecified. And ſicklike, repones all deſcending of him againſt the ſaid Sentence of Forfeiture, by which they are rendered incapable or inhabile of enjoying and poſſeſſing Lands, Honours, Offices and Goods whatſomever; and Declaring the ſaid *P. H.* his Blood, and of thoſe deſcending of him, tainted and ſuppreſſed by the ſaids Crimes and Sentence following thereupon, to be now by our royal Grace and Favour (extended in manner foreſaid,) fully and entirely purified and redintigrat *in omnibus*, as before the ſaid Sentence and Doom of Forfeiture.

I have alſo ſeen in Remiſſions after theſe Words; And that the ſaid *P. H.* may alſo paſs upon Inqueſts and Aſſizes, and be a habile Witneſs, in all Writs and Evidents as fully and freely in all reſpects as before the ſaid Sentence, and anent all which his Majeſty (with Advice and Conſent foreſaid) has diſpenſed, and by thir preſents, for his highneſs and his Royal Succeſſors diſpenſes for ever.

After this take in all from the Figure (7) uſque ad finem, *only obſerve, that when the Remiſſion is for Fortune, as well as Life, in place of theſe words* Perſon, or Perſonal Liberty (betwixt the Figurs 8 and 9) *let your words be theſe,* Perſon or Eſtate Real or Perſonal.

Nota, *Some Remiſſions after the Narrative bear*; Therefore his Majeſty of his innate Benignity, ſpecial Grace, Mercy, Favour and Prerogative Royal, (with Advice and Conſent of, *&c.* as in the former Signature, and then) freely Remitting, Pardoning, Forgiving, in Oblivion Interring, and for ever abſolving, and fully Exonering; Likeas, his Majeſty by theſe preſents (with Conſent foreſaid) freely Remits, Pardons, Forgives, in oblivion Interrs, and for ever abſolves, and fully Exoners the ſaid —— of the ſaid Crime of *Rebellion* and *Leſe-Majeſty*, in joyning with the ſaids *Rebells*, and in Helping, Aſſiſting, Conſenting, Counſelling, Commanding or Concealing any thing relating to the ſaid Rebellion, or otherways whatſomever, or by acting directly or indirectly in that matter againſt his Majeſty, or the Lords of his Highneſs Privy Council, or others having Authority and Commiſſion in the ſaid Kingdom from his Majeſty or them, and of the ſaid Sentence and Doom of Forefeiture pronunced thereupon againſt him, and all that has followed or may follow thereupon.

Some (but few) in the cloſe of the Remiſſion inſert briefly a Gift to the perſons remitted of their moveable Eſcheat, which upon the manner was wrong, and againſt the ancient Stile, by which it ſhould have paſſed by a particular Gift under the Privy Seal only, and not the whole Seals, but the perſons not being oppulent I never quarrelled it.

One thing more as to Remiſſions *for Treaſon, as I have read ſeveral, (and ſome of them of Import) ſo they were of various Narratives, and differed in Stile according to the ſeveral Facts and Circumſtances thereof, and as might conduce moſt to the obtaining of what intended, and in this a Writer ſhould be circumſpect, and by advice of Lawers do things ſo, as may prove moſt convenient and ſecure (not being falſe upon the matter) and be ſure were there never ſo many Crimes to be remitted, it is proper that the greateſt Crime be firſt mentioned and inſert, and then as many more as there may be cauſe for, and then a General of all other Crimes,* &c. *and Writters would alſo advert, that it is abſolutely neceſſar to make diſtinction betwixt Murder and* Man-ſlaughter: *The firſt being a deliberat Act and the other accidental, and at times* Remiſſions *being only for Slaughter were rejected in the Criminal-Court, becauſe it was Murder, forethought Fellony, lying in wait, and previous Threats that were libelled, and the procurer of this* Remiſſion *for Slaughter (as would appear termed it ſo, to palliat the matter, and procure the ſame with leſs Difficulty) having produced the ſame in Court, was rejected upon that Head and miſtake, and yet the Judges had ſo great deference to his Majeſties Royal Hand, that they did not proceed, but continued him a long time Priſoner until he procured a new Remiſſion of the Fact as lybelled.*

Signature

SIGNATURE of Remiſſion for Slaughter.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents according to the Conſtitution of the Exchequer for the time, and then ſay*) Ordains a Letter of Remiſſion to be paſt his Majeſties Great Seal of the ſaid Kingdom, in due and competent Form, Remitting, Pardoning, freely and fully Forgiving, and for ever Diſcharging, Likeas, his Majeſty out of his ſpecial Grace, Mercy and Favour, by thir preſents Remits, Pardons, Forgives, freely and fully Exoners, and for ever Diſcharges *J. F.* of *C.* of the Slaughter and Killing of umquhil *J. A.* of ——comitted by the ſaid *J. F.* in diſcharging an Hand-Gun or Piſtle, the—— day of —— laſt by paſt, and of whatſoever Nature the ſaid Crime be of, and of all Rankor, Malice, Hatred of Mind which are conceived or to be conceived thereanent againſt him or Kindſmen, Friends, Relations or Servants for the ſaid Crime, and of all Amerciaments, Fines, Puniſhment, Eſcheat of Goods, or other Perril, Prejudice or Damnage whatſoever, which he may any ways ſuſtain or incur in his Life, Liberty, Perſon or Goods, and of all Accuſations, Dilations, and other Actions as well Civil as Criminal, which may be any ways intented or purſued againſt him for the ſaid Crime in time coming; *Moreover*, Inhibiting and Diſcharging by thir preſents, his Majeſties Juſtice-General, Juſtice-Clerk, Commiſſioners of his Majeſties Juſticiary, and their Deputs, his Highneſs Advocat, and other Judges and Miniſters of his Majeſties Laws, from all Proſecution, Apprehending, Attacting, Convocating, Dilating, Accuſing, Convicting or Condemning the ſaid *J. F.* either Civilly or Criminally for the ſaid Man-ſlaughter, and of their Offices in that part in all time coming, ſo as the ſaid Slaughter ſhall remain in perpetual Oblivion, and holden and eſteemed, as if the ſame had never been comitted by him, and that becauſe *B. M.* Relict of the ſaid *J. A.* and *G. A.* in —— only Brother of the ſaid *J. A.* for himſelf, and taking Burden on him for *M. A.* only Daughter of the ſaid Umquhile *J. A.* and for all others his Kindſmen, Friends, Relations, and in Affinity with him, have freely remitted and forgiven the ſaid *J. F.* for the ſaid Man-ſlaughter in manner, for the Cauſes, and upon the Conſiderations mentioned in the Letters of Slains granted by them to the ſaid *J. F.* thereanent, dated the—— day of —— laſt by paſt, and that the ſaid Letter of Remiſſion be extended in moſt ample form, with all Clauſes needful, and that Precepts be orderly direct hereupon in form as effeirs, *Given at*

SIGNATURE of Remiſſion for Slaughter, in another Form, and appointing an Aſſythment to be payed to the Relict and neareſt of Kin, formerly modified by the Lords.

OUR SOVERAIGN LORD (*here inſert the Conſents* ut prius, *and then ſay*) Ordains an Letter of Remiſſion to be made and paſt under his Majeſties Great Seal of the ſaid Kingdom, in due and competent Form, Remitting, Pardoning, Forgiving, and for ever Freeing and Indemnifying; likeas his Majeſty by thir Preſents, of his ſpecial Grace and Favour, Royal Prerogative, and Priviledge of his Crown (with Advice and Conſent foreſaid,) remits, pardons, and for ever forgives and indemnifies *C. T. O.* of *L.* for the Crime of Man-ſlaughter, committed by him upon the perſon of umquhile *A. L.*

of *G.* in the Month of —— years, with all Action and Inſtance whatſoever, Civil or Criminal whilks may follow thereupon, or that may be any ways moved, intented, or purſued againſt the Perſon, Eſtate, or Goods of the ſaid *C. T. O.* for the ſaid Crime, with all rankor and prejudice that his Majeſty has, or may have againſt him for the ſaid Crime in all time-coming, by freely forgetting, in oblivion interring, remitting and diſcharging the ſaid Crime to the ſaid *T. O.* and all that has followed or may follow thereupon, and admitting and receiving the ſaid *T.* to his Highneſs Grace and Favour for the future, notwithſtanding thereof, and as the ſame had never been committed, and by thir Preſents, Inhibites and Diſcharges his Majeſties Juſtice-General, Juſtice-Clerk, Commiſſioners of Juſticiary, and his Highneſs Advocat and Solicitors, and all other Judges als well Civil as Criminal within his Majeſties Kingdom aforeſaid, from all incarcerating, confining, apprehending, purſuing, or moleſting the ſaid *T. O.* in his Perſon, Eſtate, Fortune and Goods, for the ſaid Crime, any manner of way in time-coming: And Ordains all Proceſſes, Libels and Indictments intented againſt him, with all heretofore thereupon done, to be void, extinct and null, and the ſaid *T.* to be relaxed and reſtored to his Majeſties Peace, if already denunced for the ſame, providing always that the time of the expeding of his Majeſties Remiſſion in his Highneſs Exchequer, the ſaid *T. O.* ſhall be obliged to ſatisfie and pay to the ſaid Widow and neareſt of Kin of the ſaid umquhile *A. L.* ſuch Sums of Money in name of Aſſythment, as the ſaid Theſaurer, Theſaurer-Deput, and Lords of Exchequer ſhall modifie, and whilk Sums are modified by the ſaid Theſaurer and other Lords of his Highneſs Exchequer aforeſaid to the Sum of ——, and is conſigned in the Hands of *G. M.* one of the Clerks of the ſaid Exchequer, conform to the Act and Ordinance of the ſaid Exchequer, dated the —— day of —— laſt-by-paſt. And that the ſaid Letter of Remiſſion be extended in moſt ample Form, with all Clauſes needful; and that Precepts be orderly direct hereupon, in form as effeirs. *Given at*

Nota, *The Aſſythment being not only Modified but Conſigned, I think the Writer ſhould rather inſert a Clauſe ordaining it to be given up upon a Diſcharge, than to pay a Sum conſinged.*

SIGNATURE of Remiſſion for Mutilation, and wrongous apprehending of a free Subject, without Warrand or Order of Law.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents* ut prius, *and then ſay*) Ordains an Letter of Remiſſion to be paſt and expede his Majeſties Great Seal of the ſaid Kingdom, in due and competent form, making mention, that his Majeſty conſidering that *J. G.* of *G.* the time of his Minority, concurred in the Hills with a conſiderable number of his Name and Family, with the Earls of *G.* and *M.* againſt the late Uſurpers, and that he, and his Predeceſſors carried and demained themſelves faithful Subjects to his Highneſs, and his moſt Royal Progenitors, and adhered conſtantly to his Majeſties Service, and that the ſaid *J. G.* lived in great Friendſhip by the ſpace of eight years laſt paſt, with *M. G. R.* of *J.* againſt whom the Crimes after-mentioned were committed; Therefore his Majeſtie (with Advice and Conſent foreſaid) Remitting, Pardoning and Forgiving, and for ever in oblivion interring; Likeas his Majeſty of his Royal Clemency and Goodneſs, and by vertue of his Prorogative-Royal, by thir preſents, Remits, Pardons and Forgives, and for ever in oblivion Interrs to the ſaid *J. G.* of *G.* the Crime of violent taking and apprehending the perſon

of

of the ſaid *M.* G.R. and Coacting and Compelling him to grant Bonds and other Securities, and detaining and keeping him until he granted the ſame, and emitting other perſons to the committing of the ſaids Crimes: And ſicklike all Acceſſion which he had to the emitting and ſending furth any perſon or perſons whatſoever, to the Aſſaſſinating, Mutilating the Finger of R. *A* Meſſenger in *F* or abſconding and hiding of him, and all Rankor, Malice and Envy conceived in his Majeſties Heart, or that may be conceived by his Highneſs for the ſame, and all Actions and Cauſes Civil and Criminal, that may be moved, proſecut, or objected againſt the ſaid *J. G.* therefore, and all Perril and Hazard which he has ſuſtained or incurred, or may ſuſtain or incur for the ſaid Offence, in his Perſon, Lands or Goods; Inhibiting and Diſcharging hereby his Majeſties Juſtice-General, Juſtice-Clerk, and other Lords of his Highneſs Juſticiary, his Majeſties Theſaurer, and Theſaurer-deput, his Highneſs Advocat, and all others his *Majeſties Miniſters* of the Laws within the ſaid Kingdom, from all Calling, Conveening or purſuing the ſaid *J. G.* for the Crimes above-ſpecified, and of their Offices in that part in all time coming, and that the ſaid Letter of Remiſſion be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs, *Given at*

SIGNATURE of Remiſſion for Thift (being by Law Treaſon in a Landed perſon) containing a Rehabilitation and Redintegration to his Fame, Goods, and firſt Capacity.

OUR SOVERAIGN LORD, with the ſpecial Advice and Conſent of (*here take in the Conſents* ut prius, *and then ſay*) Ordains a Letter of of Remiſſion to be paſt and exped his Majeſties Great Seal of the ſaid Kingdom, in due and competent Form, Remitting, Pardoning, and fully and freely exonering and diſcharging; Likeas, his Majeſty by thir preſents, Remits, Pardons, and fully and freely Exoners, and for ever Acquits and Diſcharges *H.C.* of *L.* of and for all treaſonable Crimes, Defects and other Crimes and Offences, with which he may be charged or burdened, for all Thifts, High-way-Robbing and Oppreſſions by him Acted, done and comitted, or for Helping, Aſſiſting, Favouring, Conſenting, Conſulting, Adviſing, Commanding, permitting or Concealing any thing pertaining or relating to the ſaids Thifts, High-way-robbing and Oppreſſions, with which he may be charged or burdened, preceeding the date hereof, and particularly (but prejudice of the generality foreſaid) for all Treaſon or other Crimes whatſoever with which he may be charged and burdened for his acceſſion to the Thift, High-way-robbing, and Oppreſſion comitted by the Invaſion and breaking of the Houſe of *M. J. E.* Miniſter at *G.* the —— day of —— —— years, whereby the ſaid *H. G.* may be any ways interrogat, Accuſed, Judged or Purſued in Life, Liberty, Priviledge, Fame, Capacity or Station, or any other manner of way Civilly or Criminally, for all or either of the ſaids Crimes above-mentioned, ſaid, acted, done or committed by him, or eſcapes any time preceeding the date hereof, and Decreet and Sentence given and pronunced againſt him, and declaring him Fugitive for the Crimes particularly and generally above-ſpecified, or any of them. *Moreover*, his Majeſty (with Advice and Conſent foreſaid,) by thir preſents Inhibits and Diſcharges all Judges ordinary, and Deputs within his Majeſties Kingdom aforeſaid, and all other perſons whatſoever, to Trouble, Cite, Hear or Admit any Accuſation, Indytment, Claim, Action, Complaint, Civil or Criminal againſt the ſaid *H. C.* or to grant Warrand for apprehending or confining his Perſon, or any other Action againſt him or his

Eſtate, real or perſonal, for any of the Crimes above-expreſt. And farder, his Majeſty of his Kingly Power, Regal Authority, and free Favour and Clemency, by thir preſents Reſtores, Rehabilitats and Redintigrats the ſaid *H.C.* again to his Goods, Fame, and former Capacity, and makes him to be an habile Witneſs, and to uſe all lawful Acts in Judgement, or outwith the ſame, ſicklike, and als freely in all reſpects, as he might have done before the committing of the ſaids Crimes hereby pardoned, remitted, and in oblivion interred; and ſicklike his Majeſty prohibits and diſcharges his Highneſs Advocat, to move, Proſecut, Favour, Countenance, or concur in any Complaint, Indytment, Action or Proceſs which are intented, or may be commenced againſt the ſaid *H.C.* for any of the Crimes above-expreſt; And that the ſaid Letter of Remiſſion be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in form as effeirs. *Given at*

Nota, *There be as many Draughts of Remiſſions as there be capital Crimes, and particularly for* Rapt, *whereof Kings are tender if the Lady injured, but for Fire-raiſing (being againſt Humanity and Being of Kingdom or Common-wealth. Witch-craft and Sodomies I never ſee any.*

Nota, *To conclude this part of the Work, all Remiſſions of Capital Crimes are paſt under the Kings own Hand, and not in Courſe in Exchequer, by Commiſſion (as other Signatures are) and ſo are all Signatures taxing Lands from ſimple Ward, and that contain Clauſes* de novo damus, *or Erection of Burgh of Barony, Regalities, and Burghs Royal, with weekly Mercats and yearly Fairs, Toles and Cuſtoms thereof, new Gifts of Patronages, Erections of Lands, and others in Earldomes, Lordſhips, Barnies and Teuendries, and diſſolving them from others to which formerly annexed, erection of Harbours, Sea-Ports, and the like, Diſſolution of Lands and others from Sheriffdoms, Regalities, and other Juriſdictions (wherein formerly incorporat, and to which annexed,) and uniting, annexing and incorporating the ſame to or with an other* Shire or *Regality, and what elſe* Regium, *and that belongs to the Prerogative Royal, and yet I have ſeen at times Commiſſions granted by the King (which always paſs the Great Seal* per ſaltum*) to the Theſaurer-Principal, Theſaurer-Deput, and Exchequer, containing Power not only to paſs Signatures by Reſignation, Confirmation, Recognition,* Ultimus Hæres, *Baſtards, and other Gifts, and of Apprysings, Adjudications, Preſentations and the like, but alſo Power to Tax from ſimple Ward; And at this time the Lords walked by a Rule of making the fifth part of the valued Rent (deducing a fifth Part for Teind) to be the yearly Duty of the Lands, during the* Ward *and Nonentry (or either of them) and the like for the Relief, and the Double for the Marriage* cum contigerint, *but this Commiſſion did not continue long, when it was renewed with an Exception of the Power of taxing, and Remiſſions for capital Crimes; And no doubt that thoſe favours might flow originally and immediatly from the King himſelf as the Fountain, and his Royal Bounty & Benignity known, and not by Deligation or Commiſſion, and yet all thoſe under the Kings Royal Hand, (als well as others under the Verge and Compaſs of the ſaids Commiſſions) are ſtill compounded by the Lord High-Theſaurer and Theſaurer-Deput, or by the Lords of Theſaury (when in Commiſſion) and paſt in Exchequer, and thereafter expede the Seals.*

I have ſeen a Charter in favours of Collonel Hector Monro *of* Fowlis, *Knight and Baronet, and to his Heirs-Male, proceeding upon a Signa-*

ture

ture under King Charles *the firſt of glorious memory his Royal Hand of ſome Lands and Peices of Ground in* Nova-Scotia *in* America, *particularly bounded, and extended in limites* 3 *Miles in breadth, and* 6 *in length, with the Teinds great and ſmall, Milns, Multures, Salmond-Fiſhings, and other Fiſhings, als well in ſalt as freſh Waters, Patronages of Churches, Benefices, and Chaplainries founded and to be founded; with Mines and Minerals of Gold, Silver, Mettals of Braſs,* &c. *and with the Gift of all precious Stones, Pearls, Jewels,* &c. *and with the Priviledge of Regality, free Chappel and Chancellary within all the ſaids Bounds; and with all other Honours, Liberties, Commodities, Immunities, Prerogatives, Dignities, Preheminencies, Profits and Caſualities whatſoever, particularly and generally expreſſed in any other Infeftments granted by his Majeſty, or his Royal Father, to any other Perſons; and which Charter contains many Clauſes noble and fine, and erects all in a free Barony and Regality, called the Barony and Regality of* Fowlis, *with a Diſpenſation to take Seaſin at the Caſtle of* Edinburgh, *and accordingly Seaſin taken thereat the* 7*th of* July 1634, *and Regiſtrat in the general Regiſters at* Edinburgh *the* 16*th day of* Auguſt *thereafter by Mr.* Francis Hay *Deput to the Clerk of Regiſter. I could have ſet down the Signature, but judged the ſame unneceſſary.*

Many moe Signatures might have been inſert, but Omitted, ſince he that is for ſome-time Educat, and thereby Maſter of, and Verſed in what ſet down, will find no difficulty in any other.

Nota, *I have ſeen ſome Lands Feued out* cum maritagio, *and by a Charter under the Kings Royal hand have ſeen the Marriage Taxed in the ſame way as if the Marriage fell by the Lands their holding Ward, being all one to the Superior, as to the Marriage, whether the ſame fall the one way or the other.*

I have alſo ſeen Lands Feued out of old cum pacto de non vendendo aut non alienando, *without Conſent of the Superior, yea I have ſeen not only that, but alſo* cum pacto de non contrahendo, *ſo that in caſe of Contravention in either caſe, the Vaſſal loſed the Property and fell under Recognition, and as in other Charters, I have ſeen both, ſo the King was graciouſly pleaſed to ſubjoyn this Clauſe or Quality and his Majeſty for his Highneſs and his Royal Succeſſors, (with Conſent above-ſpecified) hereby Wills, Declares decerns & Ordains that the Selling of the Lands irredeemably, or the contracting of Debt thereupon, & ſecuring the Creditor therein for the ſame by way of Wodſet Right of an Annualrent (or Annuity) furth thereof or by Bond bearing Infeftment in the Lands themſelves for Security of the Debt, or any other manner of way ſhall infer no ground of Recognition againſt the Heretor or his Heirs, but that it ſhall be leiſum and lawfull to them notwithſtanding of any ſuch Deeds, to peaceably poſſeſs, bruik and enjoy the ſame as if any ſuch Clauſes had never been inſert in the Right of Feu, and diſpenſes with any ſuch Alienation or Contraction, and all that may follow thereupon for ever.*

The End of the Second Branch of the fourth part of the Work.

THE

Third THING or BRANCH

Proposed in the FOURTH PART of the whole System of Stiles; is,

What passeth all the Seals *(the Quarter-Seal excepted) and yet do not pass in Exchequer (because there is nothing payed yearly to the King by way of* Reddendo *as in all other Signatures) such as Signatures of Arch-Bishopricks and Bishopricks, sometimes called Presentations, or Creations, and at other times Translations; The first having its* Rise *and Origine from a new Creation of a Doctor in* Theologie, *or other Minister, (not formerly a Bishop) to be Arch-Bishop or Bishop, and the other from being (after the Death of an Arch-Bishop or Bishop once invested and consecrat) translated from one See to another, which in such Cases is usual) because of Learning, Experience and Preheminence of the Station, Office and Dignity of the See falling vacant: And whether the one way or the other the Vacance fall out, Precepts in* Latine *must be written, and the first* Step *is, that which goes under the Signet (as the Warrant of the rest) and whereof I set down the Precepts of the two* Arch-bishopricks, *and Bishopricks of* Edinburgh *and* Galloway *in* Latine, *and the rest by way of Signature (whether Presentation or Translation) in* English, *that all may know the Matter (as well as Form) in both cases; Only consider, that the Narrative of these run in an other Channel and Strain than those after the* Reformation, *the Government at first being by* Superintendents, *and Bishops reformed of the number, and albeit not without trouble of Mr.* Andrew Melvil, *and others who came from* Geneva, *continued so until King* James the Sixth, *that most Illustrious and Serene Prince) his going for* England *in the year* 1603, *to enjoy that* Crown, *(to which he succeeded by Blood and righteous Inheritance by the dacease of Queen* Elizabeth) *and some years after that, his Majesty with consent of the Estates of Parliament, suppress the Government in the Church of* Scotland *by* Superintendents, *and established Episcopacy therein, and the Narrative of their* Patents *run upon the said Suppression, and the Act of* Parliament, *and after the year* 1638, *the Government by Arch-Bishops and Bishops and their Deans and Chapters being abolished and suppress, Presbytrie was established, and came in place, and continued till the year* 1662, *at which time King* Charles *the* Second, *and his Majesties Estates of* Parliament *rescinded the former Establishment in this Church by Presbytrie, and all Acts made in its favours, and restored the former Government by Arch-Bishops and Bishops, their Deans and Chapters, and runs upon that specifick Narrative: All which respective Narratives I omit, as extranious to my Design in my System of Stiles, and begin according to the present Order and Constitution, with*

TRANSLATIO Arthuri *Archiepiſcopi* Glaſcuenſis, *AD Archiepiſcopatum* Sanctæ Andreæ *poſt obitum* Alexandri *ultimi incumbentis.*

CAROLUS dei gratia, magnæ *Britaniæ*, *Franciæ & Hiberniæ* Rex, Fideique Defenſor, predilecto noſtro conſanguineo, & conſiliario *Joanni Atholiæ Marchioni*, noſtri Secreti, Sigilli cuſtodi, *Salutem*, Quia nos intelligentes Archiepiſcopatum Sancti *Andreæ*, nunc in manibus noſtris vacaſſe & ad noſtram diſpoſitionem deveniſſe ex obitu *Alexandri*, noviſſimi Archiepiſcopi ejuſdem, & Primatis & Metropolitani totius *Scotiæ*, & nos per literas noſtras licentiæ, ſub noſtro Secreto Signeto dedata octavo die menſis *Septembris*, ultimo elapſæ poteſtatem & libertatem dediſſe noſtro Confeſſo & Prædilecto *Johanni* Epiſcopo *Edinburgenſi*, Archiepiſcopatus Sancti *Andreæ*, vicario aliiſque ſuffragantibus Epiſcopis, & Paſtoribus per Actum Parliamenti, Statutis Capitulum, ad Archiepiſcopum Sancti *Andreæ* eligendum convenire, & eligere, & nobis preſentare, virum qualificatum illius dictæ Metropolitanæ *Sedis fore* Archiepiſcopum, ſecundum quas prædictum Capitulum virtute, noſtraram prædictarum literarum licentiæ eligerunt & nobis preſentarunt noſtrum præ confeſſum, & prædilectum Conſiliarium *Arthurum* Archiepiſcopum *Glaſguenſis* tanquam virum dicti Archiepiſcopatus Sancti *Andreæ* maxime Idoneum & qualificatum Archiepiſcopum *fore* pro ut eorum literæ teſtificationis ſub ipſorum manibus (dedata decimo ſexto die menſis *Octobris* inſtantis, latius proportant: *Nos igitur* Nominavimus, Creavimus, & Ordinavimus, Tenoreque preſentium Nominamus, Creamus & Ordinamus prefatum *Arthurum* (nunc Archiepiſcopum *Glaſguenſis* Archiepiſcopum Sancti *Andreæ*. & Primatem & Metropolitanum totius *Scotiæ*, dando, concedendo & diſponendo ei durantibus omnibus ejus vitæ diebus, dictum Archiepiſcopatum Sancti *Andreæ*, & integrum beneficium ejuſmodi cum omnibus beneficiis iiſdem annexatis una cum omnibus & ſingulis, terris, Dominiis, Baroniis, Abaciis, Prepoſituris, Manſionibus, Caſtris, Turribus, Fortalaciis, Manerierum locis, hortis, pomariis, Molendinis, Silvis, Piſcariis, Annuis, Redditibus, Eccleſiis, Advocationibus, Donationibus, Juribus Patronatuum, decimis magnis & minutis, tam Rectoriis quam Vicariis, Fructibus, Redditibus, Proventibus, Emolumentis, Superioritatibus, Feudefirmis, aliiſque Fructibus, Canis, Cuſtomis, Commoditatibus, Caſualitatibus, Annexis, Connexis, Partibus, Pendiculis & Pertinentiis earundem, Quibuſcumque Tenentibus, tenandriis, libereque tenentium ſervitiis ubicunque exiſtunt ſeu jacent, infra dictum Regnum noſtrum *Scotiæ*, una etiam, cum jure privilegio & Juriſdictione Regalitatis, liberæ Capellæ & Cancellariæ, & cum omnibus & ſingulis aliis dignitatibus honoribus præheminentiis, Immunitatibus, Juriſdictionibus & libertatibus, Pertinentibus, et que ad dictum Archiepiſcopatum aliquo tempore præterito a prima fundatione ejuſdem pertinuerunt et quæ Poſſeſſæ & Gaviſæ fuerunt, & quæ poſſideri & gauderi poterint, per dictum nuperrimum Archiepiſcopum ſeu aliquos ſuos Prædeceſſores Archiepiſcopos ejuſmodi virtute proviſionum dicti Archiepiſcopatus aliorumque beneficiorum eidem annexat, & jurum ipſis de ſuper conceſſorum cum poteſtate præfato *Arthuro*, (nunc Archiepiſcopo Sancti *Andreæ*, gaudendi, fruendi & poſſidendi, dictum Archiepiſcopatum Sancti *Andreæ*, & omnia alia beneficia eidem annexata, cum omnibus & ſingulis terris, manſionibus, Caſtris, Turribus, Fortalaciis, Manerierum locis, hortis, pomariis, Molendinis, Silvis, piſcariis, Eccleſiis, Advocationibus, Donationibus, & juribus patronatuum, juriſdictionibus, juribus & priviledgiis Regalitatis & liberæ capellæ, & cancellariæ, & omnibus alliis honoribus dignitatibus præhemenentiis, Immunitatibus, Juriſdictionibus & liber-

tatibus, quibuſcunque, nec non cum poteſtate recipiendi, intromittendi & diſponendi ſuper totis & integris decimis Rectoris & vicariis Feude firme-divoriis, aliiſque fructibus firmis, Canis, Cuſtumis, Cenſibus, Emolumentis, Caſualitatibus proficuis & divoriis, tam temporalitatis quam ſpiritualitatis ad dictum Archiepiſcopatum ſpectantibus & pertinentibus, & omnibus aliis beneficiis eidem annexatis, quæ per prædictum quondam *Alexandrum* nuperrimum Archiepiſcopum hujuſmodi poſſeſſæ fuerunt, vel quæ per aliquos ipſius prædeceſſorum poſſeſſæ, gaviſæ & receptæ fuerunt ſeu poterant, aliquo tempore præterito, vel quæ, quocunque tempore futuro ad dictum Archiepiſcopatum Sancti *Andreæ* pertinere poſſint una cum omnibus & ſingulis aliis commoditatibus libertatibus & aſiamentis, liberè, quietè, benè & in pace, abſque ulla Revocatione, ſeu contradictione aliquali: Declarando per preſentes omnes, donationes & conceſſiones factas per noſmet-ipſos vel quoſvis ex noſtris illuſtriſſimus progenitoribus, Quorumcunque reddituum Caſualitatum privilegiorum jurum patronatuum, & commiſſariatuum ad dictum Archiepiſcopatum pertinentium in favorem quarumcunque perſonarum in præjudicium dicti Archiepiſcopatus reſciſas vacuas & irritas eſſe, ac ſi eedem unquam factæ vel conceſſæ fuiſſent, *Exceptis & reſervatis* (de preſenti hac noſtra donatione & diſpoſitione) jure privilegio libertate & juriſdictione Commiſſariatus ſeu quotæ partis Teſtamentorum lie quots of teſtaments, alioque beneficio predicti commiſſariatus pertinentibus per chariſſimum noſtrum patrem beatæ memoriæ Epiſcopatui *Edinburgenſi* conceſſis & diſpoſitis per novam cartam fundationis & erectionis dicti Archiepiſcopatus, infra bondas Eccleſias & Parochias jacentes ex auſtrali latere aquæ de *Forth* quæ perprius ad dioceſin dicti Archiepiſcopatus pertinuerunt; *Reſervata* tamen, dicto *Sancti Andreæ* Archiepiſcopo, ſuiſque Succeſſoribus in prædicta ſede Metropolitana, ſola & plenaria poteſtate, eligendi, nominandi & preſentandi quatour Commiſſarios *Edinburgenos*, eorumve aliquem quandocunque cujuſvis eorum officium vacare contigerit, modo mentionato in donatione noviſſima ſub magno noſtro Sigillo, dedata vigeſimo tertio die menſis *Octobris*, anno Domini milleſimo ſexcentiſſimo ſeptuageſſimo primo, per nos præfato noviſſimo Sancti *Andreæ* Archiepiſcopo ſuiſque in dicta ſede Metropolitana Succeſſoribus, ad effectum ſupra ſpecificatum conceſſa, & *quoniam* vice juriſdictionis Commiſſariatus (ſeu quotæ partis Teſtamentorum aliorumque beneficiorum eodem ſpectantium modo antedicta) noſtro chariſſimo patri benigne viſum fuit per ipſius Cartam, Mortificationis & Diſpoſitionis dedata vigeſimo primo die Menſis *Maii*, Anno Domini Milleſimo Sexcenteſimo Trigeſimo Quinto, Dare, Concedere, Mortificare & Diſponere *Joanni* (tunc) Sancti *Andreæ* Archiepiſcopo, & ipſius Succeſſoribus hujuſmodi Archiepiſcopatus, *Totas & integras* Terras, Dominia, Baronias, Molendina, Silvas, Piſcaria, Parca, Foreſtra, Manſiones, Materierum loca, Tenementa, Domus, Ædeficia, hortos, pomaria, Eccleſias capellas, Collegia, decimas magnas & alias fructus redditus, emolumenta, Feu de-firmæ-firmas, canas, cuſtumas, Caſualitates, proficua & cenſus quoſcunque cum Tenentibus, Tenandriis, libereque tenentium ſerviciis & omnibus pertinentiis quibuſcunque ad prioratum & Abbaciam *Sancti Andreæ* Patrimonium & Proprietatem earundem tam ſpiritualitatis quam temporalitatis per prius ſpectantibus ubicumque eadem jacent infra-dictum Regnum noſtrum *Scotiæ*, & quorum priores & conventus dictæ Abbaciæ in poſſeſſione fuerunt aliquo tempore preterito *Preſertim totas & integras* terras de *Northbank*, & decimas garbales hujuſmodi incluſas, Terras de *Claremonth*, cum decimis garbalibus earundem incluſis *Sancti Andreæ* pertinuerunt cum ſpiritualitate hujuſmodi, ac etiam totum & integrum illud Collegium vocat Collegium *Sancti Leonardi* infra dictam Civitatem noſtram *Sancti Andreæ* fundatum, cum omnibus terris, domibus, ædeficiis, hortis, partibus, pendiculis & pertinentiis ejuſmodi quibuſcunque, unacum proviſione nominatione & admiſſione principalis, omniumque Preceptorum

rum, Regentium & Burſariorum, dicti Collegii quotieſcunque cujuſvis eorum locum vacare contingerit per deceſſum, dimiſſionem, deprivationem, ſeu quovis alio modo quocunque una cum omni Jure titulo ac intereſſe competentibus ſeu nobis competere valentibus, in & ad quaſcunqne Terras, Baronias, Eccleſias decimas & alia quacunque ad dictum Prioratum *Sancti Andreæ* tanquam ſpiritualitatem ſeu temporalitatem, patrimonium, ſeu proprietatem earundem ſpectantia pro ut in dicta carta Fundationis, Mortificationis & Donationis latius continetur. *Dedimus igitur* conceſſimus & pro nobis & ſucceſſoribus noſtris non ſolum Ratificavimus Præſcriptam Cartam Mortificationis verum etiam de novo, damus & concedimus præfato *Arthuro* (nunc *Sancti Andreæ* Archiepiſcopo) ſuiſque ſucceſſoribus *Sancti Andreæ* Archiepiſcopis, totum & integrum dictum rectum dominium prioratus *Sancti Andreæ*, integras terras Baronias Eccleſias decimas & alia, quæcunque eidem ſpectantia vel quæ olim ad dictum Prioratum *Sancti Andreæ* ſpiritualitatem & temporalitatem hujuſmodi pertinuerunt in dicta carta per prefatum noſtrum chariſſimum patrem (beatæ memoriæ.) præfato *Johanni* (tunc *Sancti Andreæ* Archiepiſcopo,) conceſſa contenta & comprehenſa. *Cum poteſtate* prædicto *Arthuro* nunc *Sancti Andreæ* Archiepiſcopo) fruendi, gaudendi & poſſedendi dictum Prioratum & integra hujuſmodi beneficia cum omnibus & ſingulis terris, manſionibus, caſtris, turribus, fortaliciis, manerierum, locis, hortis, pomariis, molendinis, piſcariis, Æccleſiis, advocationibus, donationibus, juribus, patronatuum, juriſdictionibus & libertatibus quibuſcunque, recipiendi, levandi & diſponendi ſuper omnibus & ſingulis decimis Rectoriis & Vicariis firmis, annuis redditibus, aliiſque redditibus, firmis, canis, cuſtumis, emolumentis, caſualitatibus, proficuis, & devoriis tam temporalitatis quam ſpiritualitatis ad dictum Monaſterium pertinentibus, & ſpectantibus quæ poſſeſſæ fuerunt, aut quæ per aliquos Priores *Sancti Andreæ* Conventus hujuſmodi, aliquo tempore præterito, frui gauderi & percepi poterint cum omnibus & ſingulis, aliis commoditatibus & beneficiis eidem ſpectantibus liberè quietè, benè & in pace abſque ulla revocatione, contradictione, aut abſtaculo aliquali. *In ſuper*, quia nos, certiores facti ſumus, caſtrum *Sancti Andreæ* (antiquam manſionis domum Archiepiſcoporum hujuſmodi) penitus dirutum & ſolo equatum eſſe, & quod neceſſe ſit manſionem & habitationis domum in uſum dicti incumbentis prædictæ ſedis Metrapolitanæ extrui & ædificari quæ plurimos, exigit ſumptus, & impenſas & conſiderantes quod quandocunque compertum erit proventus dicti prioratus excedere decem mille Mercarum quottannis & ſufficientem manſionem & habitationis domum, in uſum dicti incumbentis ædificatam quod commodum erit (pro meliori proviſione trium Collegiorum Univerſitatis *Sancti Andreæ* predictus Archiepiſcopus allocabit ex proventibus excreſcentibus dicti prioratus ſummam quinquaginta librarum monetæ ſterlini annatim, in uſum principalis Collegii Divi *Leonardi* viginti libras ſterlini in uſum præfecti, veteris Accademiæ & ſexaginta libras Monetæ aut edictæ in uſum profeſſorum Theologiæ in nova Accademia quæ proportionatæ erint pro ut prædicto Archiepiſcopo viſum fuerit, *nos igitur* pro nobis & ſucceſſoribus noſtris declaramus præſentem hanc noſtram donationem & mortificationem immunem & liberam à proviſione & ædificatione, Cathedralis Eccleſiæ *Sancti Andreæ* prout in dicta carta mortificationis providetur, penes quod diſpenſavimus tenoreque preſentium pro nobis & ſucceſſoribus noſtris diſpenſamus, ac ſi nulla talis clauſula in dicta Mortificatione inſerta fuiſſet, donec nos magis idoneam ſtructuram & edificationem dictæ Eccleſiæ Cathedralis curarabimus, ſuper his aliiſque onerofis conſiderationibus nos moventibus: *Declaravimus* etiam, tenoreque preſentium, declaramus omnes donationes per nos aut dictum quondam noſtrum chariſſimum patrem conceſſas, cuicunque perſonæ ſeu quibuſcunque perſonis antedicti prioratus & beneficii ejuſmodi privilegiorum aut pertinentium quorumcunque eo ſpectantium vacuas & irritas

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in ſemetipſis, ac ſi ædem nunquam datæ vel conceſſæ fuiſſent ope exceptionis ſeu replicationis abſque ulla neceſſitate reductionis aut quovis alio proceſſu ad eaſdem reducendas anihilendas aut movendas, *Ordinamus* etiam preſentes haſce literas noſtras proxima Seſſione currentis Parliamenti vel cujuſvis alii Parliamenti noſtri Scotiæ ratificari & authoritatem ordinum dicti Parliamenti eiſdem interponi, Mandamus porro Dominis Conſilii & Seſſionis alias literas noſtras ſuper ſimplici mandato decem dierum duntaxat dirigere ad inſtantiam dicti *Arthuri Sancti Andreæ* (nunc) Archiepiſcopi pro parata obedientia & ſolutione, illi ſuiſque factoribus camerariis & ſervis ejus nomine omnium & ſingularum decimarum rectoriarum & vicariarum Feu-de firme-firmarum annuorum reddituum aliorumque fructuum, Canarum, Cuſtumarum, Caſualitatum, reddituum, proficuorum proventuum, emolumentorum & devoriarum quarumcunque ad dictum Archiepiſcopatum Sancti *Andreæ*, aliorumque beneficiorum eidem annexatorum & ad dictum prioratum *Sancti Andreæ*, Spiritualitatem & temporalitatem hujuſmodi pertinentium & ſpectantium de dimidio hujus inſtantis croppæ & anni domini mileſimi ſexcenteſimi octuageſimi quarti & ſimiliter omnium & ſingulorum annuorum & terminorum futurorum durante ejus vita, *Nec non*, mandamus dominos noſtros Secreti Concilii, noſtras alias literas dirigere pro redditione & traditione præfato *Arthuro* (nunc) *Sancti Andreæ* Archiepiſcopo aliiſque ejus nomine omnium caſtrorum, fortaliciorum, turrium, manerierum, manſionum, hortorum, pomariorum, domorum, Edificiorum & aliorum quorumcunque ad dictum Archiepiſcopatum *Sancti Andreæ* pertinentium & ſpectantium. *Denique* mandamus prædictam cartam per dictum quondam noſtrum chariſſimum patrem prefato *Johanni* (tunc) *Sancti Andreæ* Archiepiſcopo conceſſam in currente noſtro vel ullo alio Parliamento (ſi opus ſit) ratificari et a Corona noſtra diſſolvi et disjungi, *Vobis* igitur præcipimus et firmiter mandamus, Quatenus preceptum noſtrum ſub dicto noſtro Secreto ſigillo pro litera ſub magno ſigillo præfato *Arthuro* (nunc) *Sancti Andreæ* Archiepiſcopo ſuper præmiſſis conficienda Cancellario noſtro in forma capellæ noſtræ debite dirigatis, datum apud curiam noſtram de *Whitehal* trigeſimo primo die menſis *Octobris* & anno milleſimo ſexcenteſimo octuageſimo quarto Regniq; noſtri trigeſimo ſexto.

Per Signaturam Manu S. D. N. *Regis ſupra Signatam.*

TRANSLATIO Alexandri *nuper Epiſcopi de* Brechen *ad Archiepiſcopatum* Glaſguenſis *Electi.*

CAROLUS, &c. Dilecto noſtro Conſanguineo & familiari Conſiliario J. M. de *A*, &c. Noſtri Secreti Sigilli Cuſtodi, *ſalutem*, Quia nos intelligentes Archiepiſcopatum *Glaſguenſis* nunc in manibus noſtris vacare & ad noſtram diſpoſitionem exiſtere per Tranſlationem *Arthuri* nuper ejuſdem Archiepiſcopi quodque nos per literas noſtras licentiæ ſub privato noſtro Signeto de data —— die menſis —— ultimo elapſæ poteſtatem, jus, & libertatem conceſſimus Epiſcopis Suffragantibus & Miniſtris in Capitulum Conſtitutis pro Electione Archiepiſcopi ſedis illius Metrapolitanæ Conveniendi, Eligendi, nobiſque preſentandi virum quendam aprime inſtructum tanquam Archiepiſcopum dicti Archiepiſcopatus de *Glaſgow* atque conformiter dictum capitulum virtute prædictarum noſtrarum literarum licentiæ eligerunt nobiſque preſentarunt *Alexandrum* nuper Epiſcopum de *Brechen* tanquam aprime inſtructum & idoneum, Archiepiſcopum fore dictæ ſedis Metrapolitanæ de *Glaſgow*, prout eorum literæ Teſtificationis manibus ſuis Signatæ de data —— die

menſis —— etiam ultimo elapſæ latius proportant. *Igitur* nominavimus creavimus & ordinavimus tenoreq; præſentium nominamus, creamus & ordinamus prædictum *Alexandrum* (nuper de *Brechen* Epiſcopum) Archiepiſcopum de *Glaſgow* & damus concedimus & diſponimus ipſi durantibus omnibus ſuæ naturalis vitæ diebus prædictum Archiepiſcopatum de *Glaſgow*, & integrum beneficium ejuſdem cum omnibus terris (6) dominiis, baroniis, caſtris, turribus, fortaliciis, manneriei-locis, domibus, Ædificiis, hortis, pomariis, molendinis, multuris, ſilvis, ſalmonum, piſcationibus, aliiſque piſcationibus, Eccleſiis decimis, rectoriis, aliiſque decimis tam magnis quam minutis feudifirmis, aliiſque firmis, canis, cuſtumis, caſualitatibus, ſuperioritatibus, tenentiis, tenandriis, libereque tenentium, ſervitiis, advocationibus, donationibus & juribus, patronatuum, omnium Æccleſiarum, tam rectoriarum, quam viccariarum, prebendariarum, capellaniarum, omnibuſque aliis beneficiis, fructibus, proventibus, redditibus & emolumentis ad dictum Archiepiſcopatum ſpectantibus, cum jure libertate & juriſdictione libere Capellæ & Cancellariæ infra omnes limites dicti Archiepiſcopatus *Glaſguenſis*, cumque univerſis privilegiis, libertatibus, dignitatibus, immunitatibus, honoribus, præeminentiis eo ſpectantibus, quæve dictus *Arthurus* nuper ejuſdem Archiepiſcopus, ullive ex ejus predeceſſoribus tempore quolibet præterito à primæva ejuſdem fundatione poſſidebant & petiti ſunt aut poſſidere & petere poterant aut dicto Archiepiſcopatui annexata fuere, quæve in poſterim, eo ſpectare reperientur, ſive tanquam temporalitas ſive ſpiritualitas, patrimonium ſeu proprietas ejuſdem, ſpeciatim vero (ſine præjudicio generalitatis prædictæ) cum advocatione, donatione & jure patronatus Eccleſiarum, Rectoriarum & Viccariarum de Ancrum, Askirk, Stobs & Edleſtoun, quæ ſunt Æccleſiæ, terrarum & baroniæ ad dictum Archiepiſcopatum ſpectantes, ac una cum advocatione & donatione Eccleſiarum Rectoriarum & Viccariarum de Kilbryd & Torrence, cum omnibus fructibus, redditibus, emolumentis, proficuis, divoriis annexis, connexis & pendiculis quibuſcunque ad dictum Archiepiſcopatum attinentibus & ſpectantibus omnibuſque aliis privilegiis, libertatibus, commoditatibus, aſiamentis, & immunitatibus eo ſpectantibus, & ſimiliter totum & integrum Rectoriam & Viccariam Æccleſiæ Parochialis & Parochiæ de *Glaſgow*, cum omnibus & ſingulis Manſionibus, Domibus, Ædificiis, Hortis, Pomariis, decimis, Rectoriis & Viccariis, aliiſque decimis tam magnis quam minutis fructibus, proventibus, redditibus, caſualitatibus, canis, cuſtumis, emolumentis, proficuis, & divoriis quibuſcunq; eo ſpectantibus aliiſque pertinentiis earundem quibuſcunq; ubicunq; jacent in regno noſtro Scotiæ, unacum omni jure titulo intereſſe & juriſclameo, quæ nos habemus, habuimus, aut ullo modo clamare vel pretendere poſſimus ad beneficia particulariter & generaliter ſupra expreſſa, vel aliquam earundem partem tempore futuro virtute quorumcumq; actorum Parliamenti aliorumq; actorum ſtatutorum, legum, aut conſtitutionum dicti regni noſtri confectorum aut confaciendorum, & volumus & concedimus perq; præſentes decernimus & ordinamus prædictam rectoriam & viccariam de *Glaſgow*, cum omnibus & ſingulis manſionibus, domibus, Ædificiis, hortis, pomariis, decimis rectoriis & viccariis, omnibuſq; aliis decimis magnis & minutis fructibus, proventibus, proficuis & divoriis eo ſpectantibus ubicunq; jaceant in dicto regno, manere & continuare cum prefato *Alexandro* nunc *Glaſguenſis* Archiepiſcopo ejuſq; ſucceſſoribus Archiepiſcopis, cum dicto Archiepiſcopatu ejuſque beneficio omni tempore futuro, tanquam partem patrimonii ejuſdem, quæq; ſereniſſimus noſter (beatæ memoriæ) avus, prædicto Archiepiſcopatui annexavit in favorem *Jacobi* (tunc temporis) Archiepiſcopi de *Glaſgow* inſeperabiliter cum eodem omni tempore futuro tanquam partem patrimonii ejuſdem remanere, cum poteſtate dicto *Alexandro* nunc Archiepiſcopo *Glaſguenſis* durantibus vitæ ſnæ naturalis diebus prænominato Archiepiſcatu fruendi & gaudendi una cum rectoria

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& viccaria predictæ Eccleſiæ Parochialis & Parochiæ de *Glaſgow* unita & incorporata cum dicto Archiepiſcopatu modo predicto, cum omnibus & ſingulis terris, dominiis, caſtris, turribus, fortaliciis, manerierum-locis, domibus, Ædificiis, hortis, pomariis, molendis, ſilvis, piſcationibus, decimis rectoriis & viccariis aliiſque decimis tam magnis quam minutis feudi-firmis aliiſq; firmis, canis, cuſtumis, caſualitatibus, ſuperioritatibus, tenentiis, tenandriis, liberequetenentium, ſervitiis, advocationibus, donationibus & juribus, patronatuum Eccleſiarum, rectoriarum, capellaniarum, aliorumque beneficiorum, fructibus, emolumentis, caſualitatibus, proficuis & divoriis quibuſcunque ad dictum Archiepiſcopatum ſpectantibus, cum privilegio liberæ Regalitatis, Capellæ, & Cancellariæ infra omnes limites dicti Archiepiſcopatus de *Glaſgow*, omnibuſq; aliis privilegiis, libertatibus, immunitatibus, honoribus, dignitatibus & præeminentiis quibuſcunq; eo ſpectantibus, atque diſponendi omnes fructus, redditus, caſualitates, proficua & divorias dicti Archiepiſcopatus ad ſuum libitum ſimiliter adeoque libere in omnibus reſpectibus, ac dictus *Arthurus* nuper ibidem Archiepiſcopus ulliq; predeceſſorum ejus *Glaguenſis* Archiepiſcoporum, ac rectoriarum & viccariarum predictæ Eccleſiæ, parochialis de *Glaſgow*, beneficia reſpective prædicta, poſſiderunt & diſpoſuerunt aut poſſidere & diſponere potuerant ulla tempore preterito non obſtantibus quibuſcunque actis Parliamenti, aliiſque actis, legibus, ſtatutis & conſtitutionibus dicti noſtri regni *Scotiæ*, ſtatutis aut ſtatuendis: *Mandamus porro* dominos Conſilii & Seſſionis, alias noſtras literas ſuper ſimplici mandato decem dierum duntaxat ad inſtantiam prefati *Alexandri* (nunc Archiepiſcopi *Glaſguenſis*) dirigire pro parata obedientia & ſolutione ei ejuſq; camerariis factoribus aliiſq; ejus nomine, ejus poteſtatem habentibus omnium & ſingularum dictarum decimarum rectoriarum & viccariarum aliarumq; decimarum tam magnarum quam minutarum, feudifirmarum aliarumq; firmarum, canarum, cuſtumarum & caſualitatum, fructuum, reddituum, proventuum, emolumentorum, proficuorum & divoriarum quarumcunq; ad dictum Archiepiſcopatum rectoriam & vicariam ejuſdem annexatarum, idq; pro dimidio proventus & anni mileſimi ſexcenteſimi & octogeſimi quarti, & annuatim & terminatim omni tempore futuro durantibus omnibus diebus vitæ præfati Alexandri Glaſguenſis Archiepiſcopi Mandamus, itidem Dominos noſtri ſecreti ſigilli Literas concedere & dirigere pro redditione & traditione dictorum, Caſtrorum, Turrium, Fortaliciorum, Manerici-locorum, Hortorum, Collumbariorum, Domorum, Ædificiorum aliorumq; ad dictum Archiepiſcopatum pertinentium, ſpefato *Alexandro* nunc *Glaſguenſis* Archiepiſcopo, aliiſque ejus nomine infra ſpatium ſex dierum poſt mandatum ſub pœna cornuationis, & deniq; in verbo Principis promittimus hanc noſtram donationem & proviſionem in currente hoc vel ſequenti Parliamento dicti noſtri Regni ratificare & approbare, atq; (ſi neceſſe erit) prædictum Archiepiſcopatum a Corona noſtra diſſolvere vobis, igitur precipimus & mandamus quatenus viſis preſentibus præceptum noſtrum ſub ſecreto noſtro Sigillo pro diplomate noſtro ſub magno Sigillo in tam debita & competenti forma uti congruit ſuper præmiſſis, conficiendo Cancellario noſtro in forma Capellæ noſtræ debitæ dirigatis. *Datum ſub Signeto noſtro apud Aulam noſtram de* Whitehall, *ſexto die menſis* Decembris, *anno Domini milleſimo ſexcenteſimo octogeſimo quarto regniq; noſtri anno trigeſimo ſexto.*

Per Signaturam Manu S. D. N. Regis ſupra ſignatam.

PRECEPTUM in favourem I nuper Candidæ Caſæ Epiſcopi, tanquam nunc Epiſcopi Edinburgenſis.

CAROLUS, &c. prædilecto noſtro conſanguineo & conſiliario *J.* M. de *Athole*, noſtri Secreti Sigilli cuſtodi ſalutem; Quia nos intelligentes Epiſcopatum Edinburgenſem, in manibus noſtris nunc vacare, & ad diſpoſitionem noſtram per Tranſlationem nuper ejuſdem Epiſcopatus Epiſcopi, exiſtere; Et nos per Literam noſtram licentiæ ſub privato noſtro Signeto dedata —— die menſis —— ultimo elapſæ, poteſtatem libertatem & licentiam, dediſſe decano & capitulo ejuſdem Epiſcopatus *Edinburgenſis* conveniendi, perſonam muneri Epiſcopali in hac dioceſi obeundo idoneam eligendi, & nobis preſentandi, & eundem decanum & capitulum virtute dictæ noſtræ licentiæ *Joannem* nunc Candidæ Caſæ Epiſcopum, tanquam perſonam muneri Epiſcopali dicti Epiſcopatus *Edinburgenſis* obeundo maxime idoneam elegiſſe & nobis preſentaſſe pro ut in eorum literis Teſtificatioriis ſub eorum manibus & ſigillo ſuſius habetur; *Igitur nominavimus*, *Creavimus* & *Ordinavimus* ſicuti per preſentes, *Nominamus*, *Creamus & Ordinamus* dictum *J.* Epiſcopum dicti Epiſcopatus *Edinburgenſis*, & damus, concedimus & diſponimus dicto *J.* nunc *Edinburgenſi* Epiſcopo (durantibus omnibus ſuæ naturalis vitæ diebus) dictum Epiſcopatum cum omnibus & ſingulis Beneficiis terris dominiis, Baroniis, Abbatiis, Eccleſiiis, Prepoſituris, Prebendariis, Capellaniis, Alteragiis, Caſtris, Turribus, Fortaliciis, Manerierum-locis, Domibus, Ædeficiis, Hortis, Pomariis, Molendinis, Multuris, Silvis, Salmonum, Piſcariis, & aliis piſcariis, Annuis, Redditibus, Æccleſiis, decimis Rectoriis & Vicariis aliiſque decimis, tam magnis quam minutis, Feude-firmæ-firmis, & omnibus alliis Divoriis quibuſcunquæ, Canis, Cuſtomis, Caſualitatibus, Superioritatibus Tenentibus, tenandriis & libere tenentium ſervitiis, Superioritatibus, omnium & ſingularum! terrarum! ad dictum Epiſcopatum ſpectantibus advocationibus, donationibus & juribus patronatuum omnium Æccleſiarum, Rectoriarum viccariarum capellaniarum, præbendariorum alteragiorum & omnium aliorum beneficiorum tam ſpiritualium quam temporalium, quorum preſentatio quovis tempore præterito, vel ante religionis reformationem vel poſtea, vel a fundatione & erectione, ejuſdem Epiſcopatus ad Epiſcopum *Edinburgenſem* pertinuit, vel ad eundem Epiſcopatum per ſerneſſimum patrem noſtrum (beatæ memoriæ) aut quoſvis alios noſtrorum ſereniſſimorum prædeceſſorum data aut annexata fuit, cum omnibus & ſingulis juriſdictionibus, Superioritatibus, aliiſque officiis ad eundem ſpectantibns, & omnibus aliis honoribus, privilegiis, dignitatibus, præeminentiis & immunitatibus qnibuſcunq; ad eundem Epiſcopatum per primam fundationem ejuſdem pertinentibus, vel quæ poſtea eidem annexatæ & per *Alexandrum Nuper* ejuſdem Epiſcopum, aut quoſvis ejus prædeceſſorum quovis tempore præterito poſſidebantur, aut quæ ad dictum Epiſcopatum *Edinburgenſem* poſtea pertinere dignoſcentur, una-cum Juriſdicto ne jure & privilegio Regalitatis liberæ capellæ, & cancellariè omnibuſq; aliis honoribus, dignitatibus, libertatibus, privilegiis & juriſdictionibus ad eundem epiſcopatum *Edinburgenſem*, vel per primam erectionem ejuſdem pertinentibus, vel quæ poſtea eidem annexatæ fuerunt, cum poteſtate dicto I. nunc *Edinburgenſi* Epiſcopo, gaudendi fruendi, & poſſidendi dictum Epiſcopatum *Edinburgenſem* & omnia beneficia & juriſdictones ejuſdem *antedictæ* & cum omnibus & ſingulis terris, dominiis, caſtris, Turribus, Fortalaciis, manerierum locis, hortis, pomariis, molendinis, Silvis, Salmonum aliorumq; piſcium, piſcariis, Advocationibus, donationibus & juribus patronatuum, Juriſdictionibus, Regalitatibus

galitatibus, libertatibus, privilegiis, honoribus, dignitatibus, Præeminentiis & immunitatibus aliiſq; ad dictum Epiſcopatum *Edinburgenſem* pertinentibus, cum poteſtate etiam prædicto —— nunc *Edinburgenſi* Epiſcopo intromettendi, percipiendi, levandi & diſponendi omnes & ſingulas decimas tam rectorias quam viccarias, Feudefirmæ-firmas, aliaſque firmas, fructus, redditus, emolumenta, decimas cuſtumas, caſualitates proficua & divorias tam ſpiritualitatis tam temporalitatis ad eundem epiſcopatum vel ad beneficia eidem annexata vel ad juriſdictiones in fundatione ejuſdem ſpecificatas & contentas pertinentes & ſpectantes cum omnibus & ſingulis commoditatibus, libertatibus, proficuis, aſiamentis, aliiſque pertinentiis quibuſcunq; liberê, quietê, plenariè, & in pace abſq; ulla revocatione, contradictione, impedimento, aut abſtaculo aliquali, non obſtantibus quocunq; Parliamenti acto, aliiſq; legibus Statutis & conſtitutionibus regni noſtri *Scotiæ*, in contrarium factis ſeu faciendis, *Preterea* nos promittimus in verbo principis hanc preſentem donationem & proviſionem, in hcc noſtro currenti aut ſubſequenti Parliamento dicti regni noſtri ratificare & approbare & ſi opus ſit) a patrimonio noſtræ Coronæ eundem Epiſcopatum diſſolvere, *Mandamus* porro dominis noſtri Conſilii & Seſſionis literas ad inſtantiam dicti I. nunc *Edinburgenſis* Epiſcopi concedere & dirigere pro obedientia & ſolutione illi ejuſque factoribus, camerariis & ſervitibus allioſq; ſuo nomine omnium & ſingularum decimarum garbalium, aliarumque decimarum Feudefirmæ-firmarum aſiarumque firmarum, canarum, cuſtumarum, caſualitatum, fructuum, reddituum, Emolumentorum, proficuorum & divoriarum quarumcunq; ad dictum Epiſcopatum *Edinburgenſem*, aut beneficia eidem annexata ſpectantium idque de croppa & anno —— & annuatim, & terminatim omni tempore futuro durantibus omnibus dicti J. (nunc *Edinburgenſis* Epiſcopi ſuæ naturalis vitæ diebus, ſub ſimplici mandato decem dierum tantum, & ſimiliter mandamus dominis noſtri Secreti Conſilii concedere & dirigere literas pro redditione & traditione dicto J. nunc *Edinburgenſi* Epiſcopo aliiſque ejus nomine omnium prædictorum, Caſtrorum, Turrium, palatiorum, Fortalaciorum, hortorum, columbariorum, manierierum, locorum & aliarum domorum ad dictum Epiſcopatum *Edinburgenſem* ſpectantium infra ſpatium ſex dierum poſt mandatum ſub pœna corunationis, vobis igitur præcipimus & firmiter mandamus quatenus præceptum noſtrum noſtro ſub Secreto Sigillo cancellario noſtro pro litera noſtra noſtro ſub magno Sigillo in forma capellæ noſtræ cancellario noſtro ſuper præmiſſis debite dirigatis, datum ſub Signeto noſtro apud —— —— die —— regnique noſtri ——

Per Signaturam manu S. D. N.
Regis ſupra ſcriptam.

Nota, *This Diploma is by Tranſlation, the perſon being formerly Biſhop of an other Dioceſs.*

TRANSLATIO ad Archiepiſcopatum Glaſguenſis *in favorem* Joannis *noviſſimi* Edinburgenſis *Epiſcopi per modum Tranſlationis.*

JACOBUS dei gratia, magnæ *Britnciæ*, *Franciæ & Hiberniæ* Rex, Fideique Defenſor : *Predilecto* noſtro conſanguineo & conſiliario *J. M.* de *A.* noſtri ſecreti Sigilli cuſtodi ſauttem. Quia nos intelligentes *Glaſguenſem*, Archiepiſcopatum in manibus noſtris vacaſſe & ad noſtram diſpoſitionem deveniſſe per *tranſmigrationem* noviſſimi Archiepicopi ejuſdem, & nos per literas noſtras diſpenſatorias ſub ſecreto noſtro Signeto dedata vigeſimo primo die menſis *Januaris*

narii ultimo elapſæ plenariam poteſtatem libertatem ac licentiam coepiſcopis & capituli paſtoribus pro electione Archiepiſcopi illius ſedis Metropolitanæ ſtatutis conveniendi & elegendi nobiſque preſentandi virum apprimæ eruditum perfungi officio, Archiepiſcopi dicti Archiepiſcopatus *Glaſguenſis* præbuiſſe, ſecundum quas literas diſpenſationis ſeu licentiæ dicti capituli Paſtores reverendum Deo patrem & confiſum & prædilectum noſtrum Conſiliarium *Ioannem* noviſſimum *Edinburgenſem* Epiſcopum tanquam virum maxime idoneum & inſtructum ſubire munus Archiepiſcopale dictæ ſedis Metropolitanæ *Glaſguenſis* nobis elexerunt & preſentarunt, pro ut in eorum literis atteſtationis ſub eorum manibus dedata vigeſimo quarto die menſis *Februarii* ultimo elapſi latius continetur: *Nos igitur* Nominavimus, Creavimus & Ordinavimus, tenoreque preſentium Nominamus, Creamus & Ordinamus *Prefatum Ioannem* (noviſſimum *Edinburgenſis* Epiſcopum) Archiepiſcopum Archiepiſcopatus *Glaſguenſis*, Dando, concedendo & diſponendo illi durantibus omnibus ſuæ vitæ diebus prædictum Archiepiſcopatum *Glaſguenſem*, & integrum beneficium ejuſmodi, cum omnibus & ſingulis terris.

Here was taken in the former GIFT *from the Figure* (6) uſque ad Figuram (7) *which alters in nothing, except the Term or Time of the Entry, and Name of the preſent Archbiſhop in place of the laſt, and then follow furth the reſt after the ſaid* (7) *Figure.*

Preceptum in favorem *Joannis* Epiſcopi *Condidæ caſæ.*

JACOBUS &c. *Prædilecto noſtro conſanguineo & familiari conſiliario* J. M. *de* A. *noſtri Secreti Sigilli cuſtodi* Salutem *Quia nos intelligentes quod Epiſcopatus* Candidæ caſæ *nunc in manibus noſtris vacat, & ad noſtram donationem & diſpoſitionem excubitu* Ja. Aitken *nuper ejuſdem Epiſcopi exiitat, & per noſtram licentiam ſub noſtro privato ſigillo dedata apud* Whitehall *tertio die* Decembris *ultimo elapſæ, dedimus libertatem, poteſtatem & licentiam Decano & Capitulo Epiſcopatus* Candidæ caſæ *conveniendi, eligendi & preſentandi nobis quandam perſonam qualificatam ejuſdem Dioceſis* Candidæcaſæ *Epiſcopum ſore & conformiter prædict. decanus & capitulum virtute prædictæ noſtræ literæ licentiæ eligerunt & preſentaverunt nobis Doctorem* Theologiæ, Joannem Gordon *noſtrum capellanum apud* Newyork *in* America *tanquam perſonam idoneam & qualificatam Epiſcopum dicti Epiſcopatus* Candidæ caſæ *fore prout in eorum litera teſtificationis ſub eorum manibus & ſigillo dedata ultimo elapſæ latius continetur* Ideoque *Nominavimus, creavimus & ordinavimus,* tenoreque *preſentium nominamus, creamus & ordinamus prenominatum Doctorem* Joannem Gordon *epiſcopum dicti epiſcopatus* Candidæ caſæ, *& damus, concedimus & diſponimus predicto Doctori* Joanni Gordon *(durantibus omnibus ſuæ vitæ diebus) preſcriptum Epiſcopatum cum omnibus & ſingulis beneficiis, terris dominis, baroniis, abbaciis, eccleſiis prepoſituris, prebendariis, capellaniis, alteragiis, caſtris, turribus, fortalaciis, manerierum locis, domibus, edificiis, hortis, pomariis, molendinis, multuris, ſilvis, ſalmonum, piſcationibus, piſcariis, annuis, redditibus, eccleſiis, decimis rectoriis & viccariis, omnibuſq; aliis decimis magnis & minutis, Feudefirmæ firmis, aliiſque cenſibus & divoriis quibuſcunque canis, cuſtumis, caſualitatibus, Superioritatibus, tenentibus, tenandriis, libere tenentium ſervitiis, omnium & ſingularum terrarum ad dictum Epiſcopatum pertinentiis & ſpectantibus, cum advocationibus, donationibus, juribuſque patronatuum, eccleſiarum, rectoriarum, viccariarum, capellaniarum, prebendariarum, altaragiorum, beneficiorum tam temporalitatis quam ſpiritualitatis, quorum preſentatio*

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(quocunque tempore preterito) ad Episcopum Candidæ-casæ usque a fundatione Ejusdem pertinuit, seu ad eundem per quoscunque illistrimorum nostrorum progenitorum annexata fuerat, cum omnibus & singulis jurisdictionibus, Superioritatibus officiis ad eundem spectantibus, ac cum omnibus honoribus, privilegiis, dignitatibus, libertatibus, præeminentiis & immunitatibus quibuscunque, ad dictum Episcopatum spectantibus, aut in fundatione ejusdem Episcopatus contentis, seu ad eundem per quosvis præclarissimorum nostrorum progenitorum annexatis, nec non cum jurisdictione jure & privilegio liberæ capellæ & cancellariæ omnibusque aliis jurisdictionibus ad præfatum Episcopum Candidæ-casæ pertinentibus, quas præfatus quondam I. Nuper ejusdem Episcopus, aut quovis ejus prædecessorum quocunque tempore prætrito possidebant & gaudebant vel quæ ad eundem usque a fundatione Ejusdem annexatæ fuerunt, seu quæ postea ad prædictum Episcopatum Candidæ-casæ, pertinere & spectare reperientur, & speciatim (absque præjudicio generalitatis predictæ) Æcclesiæ de rumfreis, Stepel, Gordon, aliasque Æcclesias tam non nominatas quam nominatas ad dictum Episcopatum Candidæ-casæ, per quondam nostrum charissimum patrem (beatæ memoriæ) annexatas cum advocatione donatione & jure patronatus prædictarum Æcclesiarum cum decimis, rectoriis, vicariis Feude firmæ firmis aliisque divoriis quibuscunque ad eundem pertinentibus & annexatis modo supra mentionato & per dictum quondam Jacobum Nuper Episcopum Candidæ-casæ possessis, cum potestate prænominato Joanni nunc Episcopo Candidæ-casæ, gaudendi, fruendi & possidendi dictum Episcopatum Candidæcasæ cum omnibus beneficiis aliisque generaliter & specialiter supra mentionatis una cum omnibus & singulis commoditatibus, libertatibus, proficuis aliisque earundem pertinentiis quibuscunque libere, quiete, plenarie, integre, bene & in pace absque ulla revocatione, contradictione, impedimento, aut obstaculo quocunque (quibuscunque Actis Parliamenti, aliisque Actis Statutis vel constitutionibus hujus regni nostri Scotiæ in contrarium factis seu faciendis non obstantibus, et similiter nos hanc presentem nostram donationem & provisionem in proximo nostro Parliamento succedente ratificare & approbare in verbo principis, promittimus ac etiam (si opus fuerit) dictum Episcopatum a patrimonio nostræ Coronæ dissolvere, & per presentes mandamus dominis nostri Consilii & Sessionis, literas ad instantiam dicti Joannis nunc Candidæ-casæ Episcopi concedere & dirigere pro respondendo & solvendo illi ejusve camerariis, Factoribus Servitoribus aliisque ejus nomine, omnes & singulas decimas garbales aliasque, decimas vicarias Feudefirmæ-firmas, aliasque divorias, canes, custumas, casualitates, fructus, redditus, emolumenta, proficua & census quoscunque ad dictum beneficium pertinentes seu eidem annexatas, & hoc de proventu & anno domini millesimo sexcentesimo & octogesimo octavo, & annuitim & terminatim omni tempore futuro durantibus omnibus dicti Joannis nunc Episcopi Candidæ casæ suæ vitæ diebus, at porro mandamus Dominis nostri Secreti Concilii concedere & dirigere literas ad tradendum & reddendum dicta castra turres, Fortalicia, columbaria, hortos, pomaria, manerierum loca, aliasque domos ad dictum Episcopatum Candidæ-casæ spectantes prenominato Joanni nunc Episcopo ejusdem vel aliis suo nomine infra spatium sex dierum proxime post mandatum sub pœna cornuationis, vobis igitur præcipimus & mandamus quatenus visis præsentibus, præceptum nostrum sub dicto nostro secreto sigillo in debita forma super præmissis conficiendum pro diplomate nostro, nostro sub magno sigillo cancellario nostro in forma capellæ nostræ debite dirigatis: Datum sub Signeto nostro apud aulam nostram de Whitehal, quarto die mensis Februarii anno domini millesimo sexcentesimo octogesimo octavo, Stilo Scoticano Regnique nostri anno tertio.

Per Signaturam manu S. D. N. Regis supra Signatam.

Nota, *The former is by Creation, being Doctor in Theology, not formerly Biſhop, and vacant by the deceaſe of the laſt Incumbent.*

TRANSLATION to the Biſhoprick of Orknay, *in favours of* Andrew *late Biſhop of* Dunkeld.

OUR SOVERAIGN LORD underſtanding the Biſhoprick of *Orknay* to be vacant in his Majeſties Hand, and to become at his Highneſs Donation, by the deceaſe of *M.* late Biſhop thereof: And his Majeſty having by his Letters of Licenſe and Diſpenſation under his Highneſs privat Signet, dated the ſeventh day of *May* laſt, given Power, Liberty and Licenſe to the Dean and Chapter of the Biſhoprick of *Orknay*, to meet, elect, and preſent to his Majeſty a perſon greatly learned and fit to be appointed Biſhop of that Dioceſs, and that accordingly the ſaid Dean and Chapter, by vertue of his Highneſs Licenſe, elected & preſented to his Majeſty *Andrew* late Biſhop of *Dunkeld*, as a perſon moſt fit & qualified to be Biſhop of the ſaid Biſhoprick of *Orknay*, as the ſaids Letters Teſtificatory, dated the ſeventh day of *June* alſo laſt by-paſt in themſelves more copiouſly is comprehended. *Therefore* his Majeſty has Nominat, Created and Ordained, and by theſe Preſents, Nominats, Creats and Ordains the ſaid *Andrew* (late Biſhop of *Dunkeld*) Biſhop of the ſaid Biſhoprick of *Orknay*, Giving, Granting and Diſponing to the ſaid *Andrew* late Biſhop of *Dunkeld* during all the days of his Lifetime, the ſaid Biſhoprick of *Orknay*, with all and ſundry Benefices, Lands, Lordſhips, Baronies, Abbacies, Churches, Provoſtries, Prebendries, Chaplanries, Alterages, Caſtles, Towers, Fortalices, Manor-places, Houſes, Biggings, Yards, Orchyards, Milns, Multures, Woods, Salmond-Fiſhings, Annualrents, Churches, Teithes, Parſonages & Viccarages, and other Teinds as well great as ſmall, Feu-farm-duties, and other Duties whatſoever, Kains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennandries, Services of free Tennents, Superiorities of all and ſundry Lands pertaining to the ſaid Biſhoprick, Advocations, Donations, and Rights of Patronages of all Churches, Parſonages, Viccarages, Chaplainries, Prebandries, Alterages, and of all other Benefices alſwell Spiritual as Temporal, whereof the Preſentation at any time heretofore pertained to the ſaid Biſhoprick from the Foundation thereof, or that were annexed thereto by any of his Majeſties Predeceſſors, with all and ſundry Juriſdictions, Superiorities and Offices belonging thereto, and all other Honours, Priviledges, Dignities, Liberties, Preheminencies and Immunities whatſomever pertaining to the ſamine, or contained in the Fundation of the ſaid Biſhoprick, or annexed thereto by his Majeſties moſt illuſtrous Progenitors, together with Juriſdiction, Right and Priviledge of Regality, free Chappel and Chancellary, and all other Juriſdictions pertaining to the ſaid Biſhoprick of *Orknay*, which were poſſeſt and enjoyed by the ſaid *M.* late Biſhop of *Orknay*, or any of his Predeceſſors at any time heretofore, or that were annexed thereto, even from or ſince the very fundation of the ſamine, or whilks hereafter ſhall be found to pertain and belong to the ſaid Biſhoprick: With Power to the ſaid *Andrew*, now Biſhop of *Orknay*, to enjoy, bruik and poſſeſs the ſaid Biſhoprick of *Orknay*, with all Benefices and others the Pertinents thereof, particularly and generally above-mentioned, with all and ſundry Commodities, Liberties, Profits and other Pertinents whatſoever, freely, quietly, wholly and in peace, but any revocation, contradiction, impediment or obſtacle whatſoever, any Acts of Parliament, and other Acts, Laws, Statuts and Conſtitutions of his Majeſties Kingdom of *Scotland* made or to be made in the contrary notwithſtanding. *And ſicklike*, his Majeſty *in verbo principis*, faithfully promiſes

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to ratifie and approve this preſent Donation and Proviſion in the next ſucceeding Parliament of the ſaid ancient Kingdom, and (if need beis) to diſſolve the ſaid Biſhoprick from the Patrimony of his Highneſs Crown; *Commanding* hereby the Lords of his Majeſties Council and Seſſion, to grant and direct Letters at the inſtance of the ſaid *Andrew*, now Biſhop of *Orknay*, for obeying and making Payment to him, his Chamberlanes, Factors, Servants, and others in his Name, of all and ſundry the Parſonage, Teinds, and other Teithes, Feu-Farms, and other Farms, Kains, Cuſtoms, Caſualities, Fruits, Rents, Emoluments, Profits and Duties whatſoever belonging to the ſaid Benefice, or annexed thereto, and that for the Cropt and Year 1688, and likeways yearly and termly in all time coming, during all the days of the ſaid *Andrew* Biſhop of *Orknay* his lifetime: *And moreover*, Commanding hereby the Lords of his Majeſties Privy Council to grant and direct Letters for giving up and delivery of the ſaids Caſtles, Towers, Fortalices, Dovecoats, Yards, Mannor-places, and other Houſes pertaining to the ſaid Biſhoprick, to the ſaid *Andrew* now Biſhop of *Orknay*, or others in his Name, within the ſpace of ſix days next after the Charge, under the pain of Horning. And that the ſaid Letter of Gift and Proviſion be extended in the beſt Form, with all Clauſes needful; and that Precepts be orderly direct hereupon, in form as effeirs. *Given at his Majeſties Court at* Windſor *the tenth Day of* Auguſt 1688. *And of his Reign the fourth year.*

This Diploma *was granted, and the Tranſlation given upon the vacancy of the Biſhoprick of* Orknay, *by the deceaſe of the laſt Incumbent.*

TRANSLATION to the Biſhoprick of Aberdene, *and being Chancellor of the Univerſity thereof, in favours of* George *late Biſhop of* Brechin.

OUR SOVERAIGN LORD underſtanding, that the Biſhoprick of *Aberdeen*, within his Majeſties ancient Kingdom of *Scotland*, is now vacant in his Highneſs hands, and at his Gift and Diſpoſition, by the deceaſe of *Patrick* laſt Biſhop of the ſaid Biſhoprick; And conſidering how great neceſſity there is to ſupply the ſaid Place and Office, his Majeſty by his Letter of Licenſe under his privat Signet of the date the — day of —, gave full Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of *Aberdeen*, to Conveen, Elect and preſent to his Highneſs a perſon fit and qualified for the ſaid Office, and accordingly the ſaid Dean and Chapter by their Anſwer and Return under their Hands recommended and preſented to his Majeſty the Reverend Father in God, *George* Biſhop of *Brechen*, as a Perſon moſt fit and qualified for the ſaid Burden and Charge: *Therefore* our ſaid Soveraign Lord of his certain Knowledge, Regal Authority and Prerogative Royal, has tranſlated and tranſported, and by thir Preſents tranſlates and tranſports the ſaid *George* Biſhop of *Brechen* from the ſaid Biſhoprick of *Brechen*, to the ſaid Biſhoprick of *Aberdeen*; And for that effect, his Majeſty for him and his Royal Succeſſors hereby Nominats, Creats and Ordains the ſaid *George* during all the days of his Lifetime, Biſhop of *Aberdeen*, and Chancellor of the Univerſity thereof, giving, granting and diſponing, to the ſaid *George*, during all the days of his ſaid Lifetime, the ſaid Biſhoprick and Office of Chancellary of the ſaid Univerſity, with all and ſundry Lands, Lordſhips, Baronies, Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Wards, Iſles, Milns, Miln-lands, Multures and their Sequels, Fiſhings as well of Salmond as other Fiſhings, Benefices, Teinds, Parſonages and Vicar-

ages, Superiorities, Preheminencies, Priviledges, Liberties, Immunities, Tennents, Tennendries, and Services of free Tennents, Advocations, Donations, and Rights of Patronages of all Churches, Rectories, Vicarages, Chaplanries Prebendaries, Altarages, and of all other Benefices as well Spiritual as Temporal, with the Feu-duties, yearly Annuities and Duties, Fees, Penſions, Fruits, Rents, Caſualities, Profits and Emoluments whatſomever, as well not named as named, belonging and appertaining to the ſaid Biſhoprick, and Chancellor of the ſaid Univerſity of *Aberdeen*, or any ways annexed thereto, together with the Priviledge, Right and Juriſdiction of free Regality, free Chappel and Chancellary within the haill bounds of the ſaid Biſhoprick, with all and ſundry other Priviledges, Liberties, Commodities, Dignities, Immunities, Fruits, Rents, Duties and Caſualities whatſomever pertaining and belonging thereto in any time bygone, from the firſt Foundation of the ſaid Biſhoprick, or whilks ſhall be found to appertain and belong to the ſame in any time-coming, wherever they are or ly, in whatſoever place within the ſaid Kingdom of *Scotland*, with power to the ſaid *George* now Biſhop of *Aberdene*, to bruik, enjoy, exerce, Poſſeſs, and diſpone thereupon at his pleaſure; Sicklike and as freely in all reſpects and conditions, as any other Biſhop in any time bygone exerced, or for the future may exerce, and that as to the half of this inſtant year 1682, and all other Years and Terms in time coming, during all the days of his ſaid Lifetime, diſpenſing always with the generality of thir preſents, as if all and ſundry Priviledges, Liberties, Rents, Duties, Caſualities and Emoluments thereof whatſoever were herein named, and at length inſert and enumerat, notwithſtanding of any Acts of Parliament, and other Acts, Laws, Statutes and Conſtitutions of the ſaid Kingdom of *Scotland* made or to be made in the contrair, or of all other Exceptions, Renuncing, Transferring and overgiving the ſame, by thir preſents, for his Majeſty and his Royal Succeſſors, to and in favours of the ſaid Biſhop during all the days of his lifetime, with all Action, Inſtance, Proceſs and Execution whatſoever, competent, or that may be competent thereupon, and with ſuppliment of all other Defects and Imperfections whatſoever, which his Majeſty will have as for expreſt in thir preſents; And his *Majeſty* hereby requires and Commands, all and ſundry Proprietars, Heretors, Feuers, Conjunct-fiers, Occupyers, Tennents, Tackſmen and Poſſeſſors of the Lands, Teinds, Fiſhings, and others above-written, pertaining to the ſaid Biſhoprick and Chancellary, and all others lyable in payment, to readily anſwer, obey, and make payment to the ſaid Biſhop, and to his Chamberlanes and Factors of the ſaids Fruits, rents, Feu-duties, Duties and Caſualities thereof, whatſoever uſed and wont to be payed, and that as to the laſt half of this inſtant year 1682, and yearly and termly in time-coming during all the days of his lifetime; And ſicklike his Majeſty hereby Commands the Lords of his Highneſs ſecret Council, Exchequer, and of his Highneſs Colledge of Juſtice within the ſaid Kingdom, to grant and direct Letters of Horning upon ten days Charge, and all other Letters neceſſary, at the Inſtance of the ſaid reverend Father, or of his Chamberlanes againſt the forenamed perſons, to the effect above-mentioned; And in like manner, his Majeſty hereby Ordains the Lords of his Highneſs Secret Council, to grant Letters on ſix days Charge for giving up and delivery to the ſaid Biſhop and his foreſaids, of the Caſtles, Towers, Fortalices, Mannor-places, Edificies, Houſes, Yards, and others pertaining to the ſaid Biſhoprick and Chancellary as becomes; And his Majeſty faithfully promiſes *in verbo Principis*, to cauſe this his Highneſs Donation and Tranſlation be ratified by his Majeſty with conſent of his Eſtates of Parliament, in the ſubſequent Seſſion of Parliament, and if need beis, to diſſolve the ſaid Biſhoprick, with the pertinents, from the Patrimony of his Highneſs Crown, and ordaines thir preſents to be extended in ample

imple Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in form as effeirs. *Given at*

This Diploma was granted and the Tranſlation occaſioned by the deceaſe of the laſt incumbent.

TRANSLATION to the Biſhoprick of Murray, *in favours of* Colin *late Biſhop of* Argile.

OUR SOVERAIGN LORD underſtanding that the Biſhoprick of *Murray* is now vacant in his Majeſties Hands, and at his Highneſs Donation, by Tranſlation of the late Biſhop thereof: And that his Majeſty by his Licentiatory Letter, under his privat Signet, of the date the ſeventh day of *February* laſt, gave Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of *Murray*, to conveen and elect, an certain fit and qualified perſon to be Biſhop of the ſaid Dioceſs, and to preſent him to his Highneſs, and that the ſaid Dean and Chapter, by vertue of the ſaid Licenſe, elected and preſented to his Majeſty the reverend Father in God *Colin* late Biſhop of *Argile* as an perſon moſt fit and qualified to be Biſhop of the Biſhoprick of *Murray*, as their Letters of Teſtification and Report under their hands more fully proport: *Therefore* his Majeſty has nominat, created and ordained, and by thir preſents nominats, creats and ordains the ſaid reverend Father in God *Colin* late Biſhop of *Argile* Biſhop of the ſaid Biſhoprick of *Murray*, giving, granting and diſponing, likeas his Majeſty by thir preſents, gives, grants and diſpones to the ſaid reverend Father in God *Colin* late Biſhop of *Argile* during all the days of his natural lifetime the foreſaid Biſhoprick of *Murray*, with all and ſundry Benefices, Lands, Lordſhips, Baronies, Abacies, Churches, Provoſtries, Prebendaries, Chaplanries, Altarages, Caſtles, Towers, Fortalices, Manor-places, Houſes, Biggings, Yards, Orchyards, Milns, Multures, Woods, Salmond Fiſhings and other Fiſhings, yearly Rents, Teinds, Parſonages and Viccarages and all other Teinds, als well great as ſmall, Feu-duties and all other Duties whatſomever Cains, Cuſtoms, Caſualities, Superiorities, Tennents, Tenandries, Services of free Tennents of all and ſundry Lands belonging to the ſaid Biſhoprick, Advocations, Donations, and Rights of Patronages of all Churches, Rectories, Vicarages, Chaplanries, Prebendaries, Alterages, and of all other Benefices alswell ſpiritual as temporal, whereof the Right of Preſentation belonged to the ſaid Biſhoprick of *Murray*, at any time bygone ſince the Fundation or Erection of the ſaid Biſhoprick, or whilks were thereto annexed by any of his Majeſties moſt noble Progenitors, together with all and ſundry Juriſdictions, Superiorities, and Offices belonging to the ſaid Biſhoprick, and all other Honours, Priviledges, Dignities, Liberties, Præeminencies and Immunities belonging to the ſame Biſhoprick, or contained in the Fundation thereof, or by any of his Majeſties Predeceſſores annexed thereto, with Juriſdiction, Right and Priviledge of free Chappel and Chancellary, and of all other Juriſdictions pertaining to the ſaid Biſhoprick of *Murray*, and whilks by the late Biſhop thereof, or any of his Predeceſſors were poſſeſt and enioyed at any time bygone, or whilks were annexed thereto, ſince the firſt Fundation of the ſame, or whilks hereafter ſhall be found to appertain and belong to the ſaid Biſhoprick of *Murray*, with Power to the ſaid *Colin* now Biſhop of *Murray* to poſſeſs bruik and enjoy the ſaid Biſhoprick of *Murray*, and all Benefices, and others particularly and generally above-mentioned belonging thereto, together with all and ſundry Commodities, Liberties, Profits,

and other Pertinents of the ſame whatſoever, freely, quietly, wholly, well and in peace, but any Revocation, Contradiction, or Obſtacle whatſoever, any Acts of Parliament, and other Acts, Statutes or Conſtitutions of his Majeſties Kingdom of *Scotland*, made or to be made in the contrary: Notwithſtanding, *Commanding* hereby the Lords of his Majeſties Council and Seſſion to grant and direct his Highneſs other Letters at the inſtance of the ſaid *Colin*, now Biſhop of *Murray*, for payment to him, his Chamberlanes, Factors, Servants, and others in his Name having his Power, of all and ſundry the Parſonage-Teinds, and other Teinds, Feu-farme-duties, and other Duties, Kains, Cuſtoms, Caſualities, Fruits, Rents, Emoluments, Profits and Duties whatſoever annexed, pertaining and belonging to the ſaids Benefices, and that for and of the Cropt and year of God 1680. And ſicklike yearly and termly in all time-coming, during all the days of the ſaid *Colin* now Biſhop of *Murray* his natural lifetime; As alſo hereby Ordains the Lords of his Majeſties Privy Council, to grant and direct Letters at the inſtance of the ſaid *Colin*, now Biſhop of the ſaid Biſhoprick, for giving up and delivering to him and others in his name, of the Caſtles, Towers, Palaces, Fortalices, Mannor-places, Yards, Dove-coats, and other Houſes above-written belonging to the ſaid Biſhoprick within the ſpace of ſix days next after the Charge, under the pain of Horning, and his Majeſty *in verbo Principis*, promiſes to ratifie and approve this preſent Donation and Proviſion in his next Parliament, and if need beis, to diſſolve the ſaid Biſhoprick from the Patrimony of his Highneſs Crown, and Ordains thir preſents to be extended in ample form, with all Clauſes deedful, and that Precepts be orderly direct hereupon in form as effeirs.

This Diploma *proceeds upon a Vacancy, by Tranſlation of the laſt Incumbent from* Murray *to* Galloway.

TRANSLATION to the Biſhoprick of Roſs *in favours of* James *late Biſhop of* Dunblane.

OUR *SOVERAIGN LORD* Underſtanding, the Biſhoprick of *Roſs* to be now vacant in his Majeſties hands, and at his Royal Diſpoſition, by the Deceaſe of *Alexander* late Biſhop thereof, and his Majeſty having by his Letter of Licenſe under his Highneſs Privat Signet, of the date the —— day of —— laſt bypaſt, given Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of *Roſs*, to meet and Elect a Perſon fit and qualified, to undergo the Epiſcopal Gift and Office in that Dioceſs, and preſent him to his Majeſty; And the ſaid Dean and Chapter having by their Letters Teſtificatory (and by vertue of his Highneſs Licenſe) elected *James* then Biſhop of *Dunblane*, and preſented him to his Majeſty, as a Perſon moſt fit and qualified to undergo the Epiſcopal Gift and Office of the ſaid Biſhoprick of *Roſs*, as in the ſaids Letters teſtificatory, under their Hands & Seals more copiouſly is related. *Therefore* his Majeſty has nominat, Created and Ordained, and by theſe Preſents, Nominats, Creats and Ordains the ſaid *James* (now Biſhop of *Dumblane*) Biſhop of the ſaid Biſhoprick of *Roſs*, and gives, grants and diſpones to the ſaid *James*, now Biſhop of *Roſs*, during all the days of his natural Life, the ſaid Biſhoprick, with all and ſundrie Benefices, Lands, Lordſhips, Baronies, Abbacies, Churches, Provoſtries, Prebendaries, Chaplanries, Altarages, Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Milns, Multures, Woods, Salmond-fiſhings, and other Fiſhings, Annualrents, Churches, Teiths, Parſonages and Vicarages, and other Teinds, as well great as ſmall, Feu-farm-duties, and

and all other Duties whatſoever, Cains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennendries and Services of free Tennents, Superiorities of all and ſundry the Lands pertaining to the ſaid Biſhoprick, Advocations, Donations, and Rights of Patronages of all Churches, Parſonages, Vicarages, Chaplanries, Prebendaries, Altarages, and of all other Benefices (as well Spirituals as Temporals, whereof the Preſentation at any time by-gone, even before the Reformation of Religion, or thereafter, or from the Foundation and Erection of the ſaid Biſhoprick pertained to the ſaid Biſhop of *Roſs*, or were given or annexed to the ſaid Biſhoprick, by his Majeſties Illuſtrious Father of bleſſed memory, or any other of his Highneſs moſt Serene Progenitors, with all and ſundry Juriſdictions, Superiorities, and other Offices belonging thereto, and with all other Honours, Priviledges, Dignities, Preheminencies and Immunities whatſoever pertaining to the ſaid Biſhoprick, by the firſt Foundation thereof, or were thereafter annexed to the ſame, and that were poſſeſt by the ſaid deceaſt *Alexander* late Biſhop of *Roſs*, or any of his Predeceſſors at any time heretofore, or that thereafter ſhall be known to appertain to the ſaid Biſhoprick, together with the Juriſdiction, Right and Priviledge of Regality, free Chappel and Chancellary, and all other Honours, Dignities, Liberties, Priviledges and Juriſdictions belonging to the ſaid Biſhoprick of *Roſs*, either by firſt Erection thereof, or that were thereafter annexed thereto; with Power to the ſaid *James* now Biſhop of *Roſs*, to enjoy, bruik and poſſeſs the ſaid Biſhoprick of *Roſs*, and all Benefices and Juriſdictions of the ſame above-ſpecified, with all and ſundry other Lands, Lordſhips, Caſtles, Towers, Fortalices, Mannor-Places, Houſes, Biggings, Yards, Orchards, Milns, Woods, Fiſhings, alſwell Salmond as other Fiſhings, Advocations, Donations, and rights of Patronages, Juriſdictions, Regalities, Liberties, Priviledges, Honours, Dignities, Preheminencies, Immunities, and others pertaining to the ſaid Biſhoprick of *Roſs*; with Power alſo to the ſaid *James* now Biſhop of *Roſs*, to intromet with, receive, uplift, and diſpone all and ſundry Teinds, alſwell Parſonage as Vicarage, Feu-farm-duties, and other Duties, Fruits, Annualrents, Emoluments, Teinds, Cuſtoms, Caſualities, Profits and Duties, alſwell of the Principality as Temporality pertaining to the ſaid Biſhoprick, or annexed to the Benefice thereof, or to the Juriſdictions ſpecified and contained in the Foundation of the ſame, with all and ſundry Commodities, Liberties, Profits, Eaſments, and other Pertinents whatſoever, freely, quietly, wholly and in peace, but any revocation, contradiction, impediment, or obſtacle whatſoever, any Act of Parliament, and other Laws, Statutes and Conſtitutions of his Majeſties Kingdom of *Scotland*, made or to be made in the contrary notwithſtanding. *Moreover*, his Majeſty promiſes in *verbo principis*, to ratifie and approve this preſent Donation and Proviſion in this current or ſubſequent Parliament of the ſaid Kingdom, and if need beis to diſſolve the ſaid Biſhoprick from the Patrimony of his Highneſs Crown. *And ſicklike*, his Majeſty Commands the Lords of his Council and Seſſion to grant and direct Letters at the inſtance of the ſaid *James* now Biſhop of *Roſs*, for readily obeying and payment making to him, his Chamberlains, Factors, Servants, and others in his Name, of all and ſundry the Parſonage-Teinds, and other Teinds, Feu-farm-duties, and other Duties, Kains, Cuſtoms, Caſualities, Fruits, Annualrents, Emoluments, Profits, and Duties whatſoever pertaining to the ſaid Biſhoprick, or that were annexed thereto, and that of the Cropt and Year 1684, and yearly and termly in all time-coming, during all the days of the ſaid *James* now Biſhop of *Roſs* his natural lifetime, upon an ſimple Charge of ten days allanerly. And in like manner, his Majeſty hereby Commands the Lords of his Highneſs Privy Council to grant and direct Letters for giving up and delivery to the ſaid *James* now Biſhop of *Roſs*, and others in his Name, all the ſaids Caſtles, Towers, Pal-

laces, Fortalices, Yards, Dovecoats, Mannor-Places, and other Houſes belonging to the ſaid Biſhoprick of *Roſs*, within the ſpace of ſix days next after the Charge, under the pain of Horning. And that the ſaid Letter of Gift and Proviſion be extended in the moſt full and ample form, with all Clauſes needful; and that Precepts be orderly direct hereupon, in form as effeirs. *Given at his Majeſties Court at* Windſor-Caſtle *the fourteen day of* April 1684, *and of his Highneſs Reign the* 36 *year.*

Nota, *This Vacancy fell out by the deceaſe of the laſt Incumbent.*

TRANSLATION in favours of Robert *late Biſhop of* Brechin, *to the Biſhoprick of* Dunblane, *upon the laſt Incumbent his going to* Roſs.

OUR SOVERAIGN LORD underſtanding the Biſhoprick of *Dunblane* to be now vacant in his Majeſties Hands, and at his Highneſs Gift and Diſpoſition, by Tranſlation of *James* late Biſhop thereof; and his Majeſty having by his Letter of Licenſe under his privat Signet, dated the 22 day of *October* laſt paſt, given power, liberty and licenſe to the Dean and Chapter of the ſaid Biſhoprick, to conveen and elect a perſon fit and qualified to undergo the Office and Epiſcopal-Charge in the ſaid Dioceſs, and to preſent him to his Majeſty; and the ſaid Dean and Chapter having accordingly (by vertue of his Majeſties Letter of Licenſe aforeſaid) elected and preſented to his Highneſs *Robert* Biſhop of *Brechin*, as a perſon moſt fit and able, and qualified to undergo the ſaid holy Charge and Function, as in their Letter-Teſtificatory under their Hands and Seal more fully is contained. *Therefore* his Majeſty has nominat, created and ordained, and by theſe Preſents, Nominats, Creats and Ordains the ſaid *Robert* Biſhop of *Brechin*, Biſhop of the ſaid Biſhoprick of *Dunblane*, and gives, grants and diſpones to the ſaid *Robert* now Biſhop of *Dunblane*, during all the days of his natural-life the ſaid Biſhoprick of *Dunblane*, with all and ſundry Benefices belonging thereto, together with all and ſundry Lands, Lordſhips, Baronies, Abbacies, Provoſtries, Churches, Prebendries, Chaplainries, Altarages, Caſtles, Towers, Fortalices, Mannor-Places, Houſes, Biggings, Yards, Orchards, Milns, Multures, Woods, Salmond-fiſhings, and other Fiſhings, and all Annualrents, Churches, Parſonage, Teithes, and other Teithes alſwell great as ſmall Feu-farm-duties, and all other Duties whatſoever, Kains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennendries, and Services of free Tennents, Superiorities of all and ſundry Lands belonging to the ſaid Biſhoprick, Advocations, Donations and Rights of Patronages of Churches, Parſonages, Viccarges, Chaplainries, Prebendries, Altarages, and of all other Benefices alſwell of Spirituals as Temporals, whereof the Preſentation at any time by-gone before the Reformation of Religion, or thereafter pertained to the Biſhoprick of *Dumblane*, or contained in the Fundation and Erection thereof, or were given or annexed thereto by his Majeſties moſt ſerene Father of bleſſed memory, or by any others his Majeſties moſt illuſtrious Progenitors, with all and ſundry Juriſdictions, Superiorities, and other Offices belonging to the ſame, and all other Honours, Priviledges, Dignities, Prehemineneies and Immunities whatſoever, pertaining to the ſaid Biſhoprick by the firſt Fundation thereof, or whilks afterwards was annexed thereto, and were poſſeſt by the ſaid *James* late Biſhop of *Dumblane*, or any of his Predeceſſors at any time by-gone, or whilks hereafter ſhall be known to appertain and belong to the ſaid Biſhoprick, together with the Juriſdiction, Right and Priviledge of Regality, free Chappel and Chancellary, and all other Honours, Dignities, Liberties,

ties, Priviledges and Juriſdictions pertaining to the ſaid Biſhoprick of *Dumblane*, by the firſt Erection thereof, or afterwards annexed thereto. With full Power to the ſaid *Robert* now Biſhop of *Dunblane*, to enjoy, bruik and poſſeſs the ſaid Biſhoprick of *Dunblane*, and all Benefices and Juriſdictions of the ſame above-written; and with all and ſundry Lands, Lordſhips, Caſtles, Towers, Fortalices, Mannor-Places, Yards, Orchards, Milns, Woods, Fiſhings alſwell Salmond as other Fiſhings, Advocations, Donations, Rights of Patronages, Juriſdictions, Regalities, Liberties, Priviledges, Honours, Dignities, Preheminencies, Immunities, and others belonging to the ſaid Biſhoprick of *Dunblane*. With full Power alſo to the ſaid *Robert* now Biſhop of *Dunblane*, to intromet-with, receive, uplift and diſpone upon all and ſundry the Teithes, alſwell Parſonage as Viccarage, Feu-farm-duties, and other Duties, Fruits, Rents, Emoluments, Teinds, Cuſtoms, Caſualities, Profits and Duties, alſwell Spirituality as Temporality, pertaining to the ſaid Biſhoprick of *Dunblane*, or annexed to the Benefice thereof, or belonging to the Juriſdictions ſpecified and contained in the Fundation of the ſamine; with all and ſundry Commodities, Liberties, Profits, Eaſements and other Pertinents whatſoever, freely, quietly, wholly and in peace, without any revocation, contradiction, impediment or obſtacle whatſoever, any Act of Parliament, and other Laws, Statutes and Conſtitutions of his Majeſties ancient Kingdom of *Scotland*, made or to be made in the contrair notwithſtanding; Moreover, his Majeſty promiſes *in verbo principis*, to ratifie and approve this preſent Donation and Proviſion, in this his Highneſs currant or ſubſequent Parliament of the ſaid Kingdom, and if need beis, to diſſolve the ſaid Biſhoprick from the Patrimony of his Majeſties Crown. And likeways, his Majeſty Commands the Lords of his Highneſs Council and Seſſion, to grant and direct Letters at the inſtance of the ſaid *Robert* now Biſhop of *Dunblane*, for obeying him, his Chamberlains, Factors, Servants, and others in his Name, of all and ſundry the Parſonage, Teithes, and other Teithes, Feu-farm-duties, and other Annualrents, Kains, Cuſtoms, Caſualities, Fruits, Rents, Emoluments, Profits and Duties whatſoever, annexed to the ſaid Biſhoprick of *Dumblane*, or Benefice thereof, and belonging thereto, and that of the Cropt and Year 1684, and ſicklike yearly and termly in all time-coming, during all the days of the ſaid reverend Father in God *Robert* now Biſhop of *Dunblane* his natural life-time, upon an ſimple Charge of ten days allanerly: And in like-manner, his Majeſty hereby commands the Lords of his Highneſs Privy Council, to grant and direct Letters for giving up and delivery to the ſaid *Robert* now Biſhop of *Dumblane*, and others in his Name, of all the foreſaids Caſtles, Towers, Pallaces, Fortalices, Yards, Dovecoats, Mannor-places, and other Houſes pertaining to the ſaid Biſhoprick of *Dunblane*, within the ſpace of ſix days next after the Charge, under pain of Horning. And laſtly, his Majeſty ordains the ſaid Gift and Proviſion to be extended in the beſt and moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in Form as effeirs. *Given at his Majeſties Court at* Windſor *the twenty third day of* May 1684, *and of his Majeſties Reign the* 33*d year.*

Nota, *This Vacancy proceeded upon the late Incumbent his being Tranſlated to the See of* Roſs.

Tranſlation to the Biſhoprick of Caithneſs, *in favours of* Andrew *Biſhop of the* Iſles, *called* Soderenſis

OUR SOVERAIGN LORD, underſtanding the Biſhoprick of *Caitheneſs* to be now vacant in his Majeſties Hands, and at his Highneſs Gift and Diſpoſition, by the deceaſe of *Patrick* late Biſhop thereof, and becauſe his Majeſty by his Letters of Licenſe under his Highneſs privat Signet, of the date the 12 day of *November* laſt, gave Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of *Caithnes*, to meet, Elect and preſent to his Majeſty a perſon endued with all Gifts and Qualifications, to undergo the Office of Biſhop of *Caithnes*, and accordingly the ſaid Dean and Chapter, by vertue of his highneſs Licenſe aforeſaid, Elected and preſented to his Majeſty his well-beloved *Andrew* late *Biſhop* of the *Iſles*, as a Man eminently qualified for the Function of the ſaid Biſhoprick of *Caithnes*, as their Teſtimony ſubſcribed with their Hands more fully proports; *Therefore* his Majeſty has Nominated, Created and Ordained, and by thir preſents Nominats, Creats and Ordains the ſaid *Andrew* late Biſhop of the *Iſles*, now Biſhop of the ſaid Biſhoprick of *Caithnes*, and has given, granted and diſponed, and hereby gives, grants, and diſpones, to the ſaid *Andrew* late Biſhop of the *Iſles*, during all the days of his lifetime, the foreſaid Biſhoprick of *Caithnes*, with all and ſundry Benefices, *Lands*, *Lordſhips*, Baronies, Abbacies, Churches, Provoſtries, Prebendaries, Chaplanries, Altarages, Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Milns, Multures, Woods, Salmond-Fiſhings, and other Fiſhings, Annualrents, Churches, Parſonages and Vicarages, Teinds, and all other Teinds as well great as ſmall, Feu-farm duties, and all other Duties whatſoever, Cains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennendries and Services of free Tennents, Superiorities of all and ſundry *Lands* pertaining to the ſaid Biſhoprick, Advocations, Donations, Rights of Patronages of all Churches, Parſonages, Vicarages, Chaplanries, Prebendaries, Altarages, and of all other Benefices as well Spiritual as Temporal, whereof the Preſentation at any time bygone, pertained to the ſaid Biſhop from the Foundation of the ſaid Biſhoprick, or were annexed thereto by any of his *Majeſties* moſt Illuſtrious *Progenitors*, with all and ſundry Juriſdictions, Superiorities and Offices pertaining thereto, and with all other Honours, *Priviledges*, Dignities, *Liberties*, *Preheminencies*, and Immunities whatſoever pertaining to the ſame, or contained in the Foundations of the ſaid Biſhoprick, or annexed thereto by any of his *Majeſties* moſt ſerene *Predeceſſors*, with Juriſdiction, Right and *Priviledge* of free Chappel and Cancellary, and with all other Juriſdictions pertaining to the ſaid Biſhoprick of *Caithnes*, poſſeſt by the ſaid deceaſt *Patrick* late Biſhop thereof, or by any of his Predeceſſors in any time bygone, or were annexed thereto from the firſt foundation of the ſame, or that hereafter ſhall be known to pertain and belong to the ſaid Biſhoprick, with Power to the ſaid *Andrew* Biſhop of *Caithnes*, to enjoy, occupy and poſſeſs the ſaid Biſhoprick of *Caithnes*, and all Benifices and others particularly and generally above-written, pertaining and belonging to the ſaid Biſhoprick, together with all and ſundry Commodities, Liberties, Profits, and other Pertinents whatſoever, freely, quietly, wholly, and in peace, but Revocation, Contradiction, Impediment, or Obſtacle whatſoever, any Acts of Parliament, and other Acts, Laws, Statutes or Conſtitutions of the Kingdom of *Scotland*, made or to be made in the contrary; Notwithſtanding, as alſo his Majeſty *in verbo Principis*, promiſes to ratifie his Highneſs Donation and Proviſion afore-

foreſaid in his Highneſs next Parliament of the ſaid Kingdom, and if need beis to diſſolve the ſaid Biſhoprick from the patrimony of his Majeſties Crown, moreover commanding hereby the Lords of his Majeſties Council and Seſſion, to direct his Highneſs Letters at the inſtance of the ſaid *Andrew* now Biſhop of *Caithnes*, to readily anſwer and make payment to him and to his Chamberlanes, Factors, Servants, and others in his name, of all and ſundry the Parſonage, Teinds, and other Teinds, Feu-farm-duties, and other Duties, Cains, Cuſtoms, Caſualities, Fruits, Emoluments, Profits and Duties whatſoever, pertaining to the ſaid Benefice, and annexed thereto, and that for the Duties of the year 1680 inſtant, and ſicklike of all years and terms thereafter, during all the days of the ſaid *Andrew* now Biſhop of *Caithnes*, his lifetime, and in like manner, his Majeſty hereby commands the Lords of his Majeſties Privy Council, to grant and direct his Highneſs Letters, for giving up and delivering of the ſaids Caſtles, Towers, Fortalices, Dove-coats, Yards, Mannor-places, and other Houſes pertaining to the ſaid Biſhoprick of *Caithnes*, to the ſaid *Andrew* now Biſhop thereof, or others in his name within the ſpace of ſix days after the ſaid Charge, under the pain of Rebellion, and being put to his Majeſties Horn, and his Majeſty Ordains the ſaid Donation and Proviſion to be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

This Tranſlation proceeds upon a Vacancy, by the deceaſe of the laſt Incumbent.

Gift and Proviſion of the ſaid Biſhoprick of the Iſles, *called* Sodorenſis, *in favours of* Archibald *Biſhop of the* Iſles, *upon the former Tranſlation.*

OUR SOVERAIGN LORD underſtanding, that the Biſhoprick of the *Iſles* is now vacant in his Majeſties hands, and at his Highneſs Gift and Diſpoſition, by the Tranſplantation of the Right Reverend Father in GOD, *Andrew* late Biſhop thereof to the Biſhoprick of *Caithnes*, and becauſe his Majeſty by his Letters of Licenſe under his Highneſs privat Signet of the date the — day of — laſt, gave Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of the *Iſles*, to meet and elect a Perſon ſufficiently qualified to undergo the Office of Biſhop of the *Iſles*, and to preſent him to his Majeſty; And accordingly the ſaid Dean and Chapter by vertue of his Highneſs Licenſe aforeſaid, elected and preſented to his Majeſty Mr. *Archibald* Doctor in Divinity, as a Man eminently qualified for the Function and Charge of the ſaid Biſhoprick of the *Iſles*, as their Teſtimony ſubſcribed with their hands, and under their Seal more fully proports: *Therefore* his Majeſty has nominat, created and ordained, and by thir preſents Nominats, Creats and Ordains, the ſaid *Archibald* Doctor in Divinity Biſhop of the ſaid Biſhoprick of the *Iſles*, and has given, granted and diſponed, and hereby gives, grants and diſpones to the ſaid *Archibald* during all the days of his Lifetime, the foreſaid Biſhoprick of the *Iſlles*, with all and ſundry Benefices, Lands, Lordſhips, Baronies, Abacies Churches, Provoſtries, Prebendaries, Chaplanries, Altarages, Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Milns, Multures, Woods, Salmond-Fiſhings, and other Fiſhings, Annualrents, Churches, Parſonage and Vicarage, Teinds, and all other Teinds, as well great as ſmall, Feu-farm-duties, and all other Duties whatſoever, Cains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennendries, and Services of free Tennents, Superiorities of all and ſundry Lands pertaining to the ſaid Biſhoprick.

ſhoprick, Advocations, Donations, and Rights of Patronages of all Churches, Parſonages, Vicarages, Chaplanries, Prebenderies, Altarages, and of all other *Benefices*, as well Spiritual as Temporal, whereof the Preſentation at any time bygone pertained to the ſaid Biſhop, from the Foundation of the ſaid Biſhoprick, or were annexed thereto by any of his Majeſties moſt Illuſtrious Progenitors, with all and ſundry Juriſdictions, Superiorities, and Offices pertaining thereto, and with all other Honours, Priviledges, Dignities, Liberties, Preheminencies, and Immunities whatſoever pertaining thereto, or contained in the Foundation of the ſaid Biſhoprick, or annexed to the ſame by any of his moſt ſerene Predeceſſors, with Juriſdiction, Right and Priviledge of free Chappel and Chancellary, and with all other Juriſdictions pertaining to the ſaid Biſhoprick of the *Iſles*, poſſeſt by the ſaid *Andrew* late *Biſhop* thereof, or by any of his Predeceſſors at any time bygone, or were annexed thereto from the firſt Foundation of the ſame, or that hereafter ſhall be known to appertain and belong to the ſaid *Biſhoprick* of the *Iſles*, with Power to the ſaid *Archibald* now *Biſhop* of the *Iſles*, to enjoy, bruik and Poſſeſs the ſaid Biſhoprick of the *Iſles*, and all Benefices particularly and generally above-written, pertaining and belonging to the ſame, together with all and ſundry Commodities, Liberties, Profits, and other Pertinents whatſoever, freely, quietly, wholly and in peace, but Revocation, Contradiction, Impediment or Obſtacle whatſoever, notwithſtanding of any Acts of Parliament, and other Acts, Laws, Statutes and Conſtitutions of his Majeſties Kingdom of *Scotland*, made or to be made in the contrair; *Moreover*, his Majeſty *in verbo principis*, promiſes to Ratifie and Approve this preſent Gift & Proviſion in his Highneſs next Parliament of the ſaid Kingdom, and if need be, to diſſolve the ſaid Biſhoprick from the Patrimony of his Majeſties Crown: And ſicklike his Majeſty hereby Commands the Lords of his Highneſs Council and Seſſion, to direct his Majeſties Letters at the Inſtance of the ſaid *Archibald* now Biſhop of the *Iſles*, for readily anſwering and making payment to him, his Chamberlanes, Factors, and others in his Name, of all and ſundry the Parſonage-Teinds, and other Teinds, Feu-farm-duties, and other Duties, Kains, Cuſtoms Caſualities, Fruits, Rents, Emoluments, and Profits whatſoever belonging to the ſaid Benefices, and that for the year and Duties 1680 inſtant, and ſicklike yearly and termly in time-coming, during all the days of the ſaid *Archibald* now Biſhop of the *Iſles*, his lifetime; And in like manner, his Majeſty hereby Commands the Lords of his Highneſs Privy Council, to grant and direct his Majeſties Letters for giving up and delivery of the ſaids Caſtles, Towers, Fortalices, Dove-coats, Yards, Mannor-places, and other Houſes pertaining to the ſaid Biſhoprick of the *Iſles*, to the ſaid *Archibald* now Biſhop thereof, or others in his Name, within the ſpace of ſix days next after the Charge, under the pain of Rebellion & being Denunced to the Horn: And laſtly, his Majeſtie Ordains the ſaid Gift and Proviſion to be extended in moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in Form as effeirs. *Given at*

This Gift is by a new Creation, the perſon preſented not being formerly Biſhop, and likeways upon Vacancy by the Tranſlation of the former Biſhop to Caithnes.

GIFT

GIFT and Proviſion of the Biſhoprick of Dunkeld, *in favours of Mr.* John Hamilton, *Parſon of* Reſtalrig, *and Miniſter at* South-Leith.

OUR SOVERAIGN LORD underſtanding that the Biſhoprick of *Dunkeld* is now vacant in his Majeſties Hands, and at his Highneſs Gift and Diſpoſition, by Tranſlation of the right reverend Father in God *Andrew* late Biſhop thereof to the Biſhoprick of *Orknay*; and that his Majeſty, by his Letters of Licenſe, under his Highneſs privat Signet, dated the —— day of —— laſt by-paſt, having given Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of *Dunkeld*, to conveen and elect a perſon fit and qualified to undergo the Office of Biſhop of the ſaid Dioſy of *Dunkeld*, and preſent him to his Majeſty; and that accordingly the ſaid Dean and Chapter, by vertue of his Majeſties Licenſe aforeſaid, elected and preſented to his Majeſty Mr. *John Hamilton* Parſon of *Reſtalrig* and Miniſter at *South-Leith*, as a perſon ſufficiently qualified for the Function and Office of the ſaid Biſhoprick of *Dunkeld*, as their Teſtimony (ſubſcribed with their Hands, and under their Seal) more fully proports. *Therefore* His Majeſty has Nominated, Created and Ordained, and by thir Preſents Nominats, Creats and Ordains the ſaid *John Hamilton*, Biſhop of the ſaid Biſhoprick of *Dunkeld*, and Gives, Grants and Diſpones to him during all the days of his Lifetime, the ſaid Biſhoprick of *Dunkeld*, with all and ſundry Benefices, Lands, Lorſhips, Barronies, Abbacies, Churches, Provoſtries, Prebendries, Chaplainries, Altarages, Caſtles, Towers, Fortalices, Mannor-Places, Houſes, Biggings, Yards, Orchards, Milns, Multures, Woods, Salmond-Fiſhings, and other Fiſhings, Annualrents, Churches, Parſonages and Viccarages, Teinds, and all other Teinds, as well great as ſmall, Feu-farm-duties, and all other Duties whatſomever, Cains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennendries, and Services of free Tennents, Superiorities of all and ſundry Lands pertaining to the ſaid Biſhoprick, Advocations, Donations, and Rights of Patronages of all Churches, Parſonages, Vicarages, Chaplanries, Prebendaries, Altarages, and of all other Benefices as well Spirituals as Temporals, whereof the Preſentation at any time by-paſt, from the Foundation of the ſaid Biſhoprick pertained to the ſaid Biſhop thereof, or that were annexed thereto by any of his Majeſties Illuſtrious Progenitors, with all and ſundry Juriſdictions, Superiorities, and Offices belonging to the ſame, and with all other Honours, Priviledges, Dignities, Liberties, Preheminencies and Immunities whatſomever, belonging to the ſame, or contained in the Foundations of the ſaid Biſhoprick, or that were thereafter annexed thereto by any of his Majeſties moſt ſerene Predeceſſors, with Juriſdiction, Right and Priviledge of free Chappel and Chancellary, and with all other Juriſdictions pertaining to the ſaid Biſhoprick of *Dunkeld*, poſſeſſed by the ſaid *Andrew* late Biſhop thereof, or by any of his Predeceſſors at any time by-gone, or annexed thereto, from the firſt Foundation of the ſame, or that hereafter ſhall be found to appertain & belong to the ſaid Biſhoprick of *Dunkeld*; with Power to the ſaid *John Hamilton* now Biſhop of *Dunkeld*, to enjoy, bruik and poſſeſs the ſaid Biſhoprick of *Dunkeld*, and all Benefices and all others particularly & generally above-ſpecified, pertaining and belonging thereto, together with all and ſundry Commodities, Liberties, Profites, and other Pertinents whatſomever, freely, quietly, wholly and in peace, but any revocation, contradiction, impediment, or obſtacle whatſoever, any Act of Parliament, and other Laws, Statutes and Conſtitutions of his Majeſties Kingdom of *Scotland*, made or to be made in the contrary notwithſtanding.

Moreover, his Majeſty *in verbo principis* hereby promiſes, to ratifie and approve this Donation & Proviſion in his Highneſs next Parliament of the ſaid Kingdom, and if need beis, to diſſolve the ſaid Biſhoprick from the Patrimony of his Highneſs Crown. *And ſicklike*, his Majeſty hereby Ordains the Lords of his Highneſs Council and Seſſion to direct his Majeſties Letters at the inſtance of the ſaid *John Hamilton*, now Biſhop of *Dunkeld*, for readily obeying and payment making to him, his Chamberlains, Factors, Servants, and others in his Name, of all and ſundry the Parſonage-Teinds, and other Teinds, Feu-farm-duties, and other Rents, Kains, Cuſtoms, Caſualities, Fruits, Emoluments, Profits, and Duties whatſoever pertaining to the ſaid Benefice, and thereto annexed, and that for the Cropt 1688 Years inſtant, and ſicklike yearly and termly in time-coming, during all the days of the ſaid *John Hamilton* now Biſhop of *Dunkeld* his lifetime. And in like-manner, Commands the Lords of his Majeſties Privy Council to grant & direct his Majeſties Letters for giving up and delivery of the ſaids Caſtles, Towers, Fortalices, Dovecoats, Yards, Manor-Places, and other Houſes pertaining to the ſaid Biſhoprick of *Dunkeld*, to the ſaid *John Hamilton* now Biſhop thereof, or others in his Name, within the ſpace of ſix days next after the Charge, under the Pain of Rebellion, and being denunced to his Highneſs Horn. And laſtly, his Majeſty Ordains this preſent Gift and Proviſion to be further extended in the beſt and moſt ample Form, with all Clauſes needful; and that Precepts be orderly direct hereupon, in form as effeirs. *Given at his Majeſties Court at* Windſor *the* —— *Day of* —— 1688. *And of his Reign the fourth year.*

This Diploma *was granted by new Creation, not being formerly Biſhop, and upon the late Incumbent his being Tranſlated to* Orknay.

GIFT and Proviſion of the Biſhoprick of Argile (*called* Liſmorenſis,) *in favours of Mr.* Hector Macklean, *late Miniſter at* Eaſt-Wood, *upon the late Incumbent his being Tranſlated to* Murray.

OUR SOVERAIGN LORD underſtanding, that the Biſhoprick of *Liſmore*, is now vacant in his Majeſties hands, and at his Gift and Diſpoſition, by the Tranſlation of the laſt Biſhop thereof; And that his Majeſty having by his Highneſs Letter of Licenſe, under his privat Signet, of the date the 17 day of *March* laſt by-paſt, given Power, Liberty and Licenſe to the Dean & Chapter of the ſaid Biſhoprick of *Liſmore*, to Conveen, Elect and preſent to his Majeſty a perſon ſufficiently qualified and fit to undergo the Office of Biſhop of the ſaid Diocy, and that the ſaid Dean and Chapter, by vertue and conform to the ſaids Letters, elected and preſented to his Highneſs Mr. *Hector Macklean* late Miniſter at *Eaſt-Wood*, as a Perſon moſt fit and qualified for the ſaid Office and Function of Biſhop of the ſaid Biſhoprick of *Liſmore*, as in their Letters of Atteſtation under their Hands and Seal, more fully is contained: *Therefore* his Majeſty has Nominated, Created and Ordained, and by thir preſenrs, Nominats, Creats and Ordains the ſaid Mr. *Hector Macklean* Biſhop of *Liſmore* (otherways called *Argile*,) giving, granting and diſponing, to the ſaid *Hector Macklean* during all the days of his Lifetime the ſaid Biſhoprick, with all and ſundry Benefices, Lands, Lordſhips, Baronies, Abbacies, Churches, Provoſtries, Prebendries, Chaplainries, Altarages, Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Milns, Multures, Woods, Salmond-Fiſhings, and other Fiſhings, Annualrents, Churches, Teinds, Parſonages and Viccarages, Superiorities, and all other Teinds, alſwell great as ſmall,

ſmall, Feu-farms, and all other Duties whatſomever, Kains, Cuſtoms, Caſualities, Superiorities, Tennents, Tennendries, Services of free Tennents, Superiorities of all and ſundry Lands pertaining to the ſaid Biſhoprick, Advocations, Donations, and Rights of Patronages of all Churches, Parſonages, Viccarages, Chaplanries, Prebendaries, Altarages, and of all other Benefices as well Spiritual as Temporal, whereof the Preſentation in any time by-gone belong to the Biſhoprick of *Liſmore*, from the Foundation thereof, or were annexed thereto by any of his Majeſties moſt ſerene Predeceſſors; with all and ſundry Juriſdictions, Superiorities and Offices belonging to the ſame, aud all other Honours, Priviledges, Dignities, Liberties, Preheminencies and Immunities whatſomevet pertaining thereto, or contained in the Foundation of the ſaid Biſhoprick, or annexed to the ſame by any of his Majeſties moſt noble and ſerene Progenitors; together with Juriſdiction, Right and Priviledge of free Chappel and Chancellary, and all other Juriſdictions pertaining to the ſaid Biſhoprick of *Liſmore*, whilks were poſſeſt and enjoyed by the ſaid laſt Biſhop thereof, or any of his Predeceſſors, or were annexed thereto from the firſt Foundation thereof, or that ſhall be found hereafter to appertain and belong to the ſaid Biſhoprick of *Liſmore*; with Power to the ſaid *Hector* now Biſhop of *Liſmore*, to bruik, enjoy and poſſeſs the ſaid Biſhoprick of *Liſmore*, and all Benefices and others particularly and generally abovementioned pertaining thereto; together with all and ſundry Commodities, Liberties, Profits, and other Pertinents whatſomever, freely, quietly, wholly and in peace, but any revocation, contradiction, impediment, or obſtacle whatſoever, notwithſtanding any Acts of Parliament, or other Acts, Laws, Statutes or Conſtitutions of the Kingdom of *Scotland*, made or to be in the contrair; and ſicklike, his Majeſty (*in verbo principis*) promiſes to ratifie and approve this preſent Donation and Proviſion, in his Highneſs next Parliament of his ſaid Kingdom, as alſo (if need be) to diſſolve the ſaid Biſhoprick from the Patrimony of his Highneſs Crown; commanding hereby the Lords of his Majeſties Council and Seſſion, to grant and direct his Highneſs Letters at the inſtance of the ſaid *Hector* now Biſhop of *Liſmore*, for obeying and payment making to him and to his Chamberlains, Factors, Servants, and others in his Name, of all and ſundry the Parſonage-Teinds, and other Teinds, Feu-farms, and other Farms, Kains, Cuſtoms, Caſualities, Fruits, Rents, Emoluments, Profits and Duties whatſomever, pertaining and annexed to the ſaid Benefice, and that of this inſtant cropt and year 1680, and of all years and terms in time-coming, during all the days of the ſaid *Hector* Biſhop of *Liſmore* his lifetime; and in like-manner, commanding hereby the Lords of his Majeſty privy Council, to grant and direct Letters for giving up and delivery of the ſaids Caſtles, Towers, Fortalices, Dovecoats, Yards, Mannor-places, and other Houſes pertaining to the ſaid Biſhoprick of *Liſmore*, to the ſaid *Hector* now Biſhop thereof, or others in his Name, upon an ſimple Charge of ſix days, under pain of Horning. And laſtly, his Majeſty hereby ordains the ſaid Gift and Proviſion, to be extended in the beſt and moſt ample form, with all Clauſes needful, and that Precepts be orderly direct hereupon, in form as effeirs. *Given at his Majeſties Court at* Windſor-Caſtle, *the laſt day of* May 1680 *years, and of his Highneſs Reign the* 32 *year.*

This Gift and Proviſion goes by new Creation, the perſon preſented not being formerly Biſhop, and upon Tranſlation of the laſt Incumbent.

GIFT and Proviſion of the Biſhiprick of Brechin, *in favours of Mr.* Robert *Dowglas Dean of* Glaſgow, *and Parſon of* Hamilton, *upon the Tranſlation of the laſt Incumbent, to the Dioceſs of* Aberdeen.

OUR SOVERAIGN LORD underſtanding, that the Biſhoprick of *Brechin* within his Majeſties Kingdom of *Scotland*, is now vacant in his Highneſs Hands, and at his Gift and Diſpoſition, by Tranſportation of *George* laſt Biſhop of the ſaid Biſhoprick, to the Biſhoprick of *Aberdene*, and conſidering how great neceſſity appears to ſupply the ſaid place, his Majeſtie by his Letter of Licenſe under his Highneſs Privat Signet, of the date the — day of — laſt by-paſt, gave full Power, Liberty and Licenſe to the Dean and Chapter of the ſaid Biſhoprick of *Brechin*, to Conveen, Elect and preſent to his Majeſty a perſon fit and qualified for the ſaid Office, and accordingly the ſaid Dean and Chapter by their return under their hands and Seal, recommended and preſented to his Majeſty Mr. *Robert Dowglas* dean of *Glaſgow*, and Parſon of *Hamilton*, as a Perſon moſt fit and qualified for that Charge; Therefore his Majeſty of his Highneſs certain Knowledge, Royal Authority and Kingly Power. *Ordains* a Letter to be exped the Great-Seal (in the moſt ſure way of Transferring and Tranſmiſſion) tranſlating and tranſplanting; Likeas his Majeſty by thir preſents Tranſlates and Tranſplants the ſaid Mr. *Robert Dowglas* from the ſaid Deanry of *Glaſgow* and *Parſonage* of *Hamilton*, to the ſaid Biſhoprick of *Brechin*; and for that effect his Majeſty for his Highneſs and his Royal Succeſſors, by thir preſents Ordains, Nominats and Creats the ſaid *Robert* during all the days of his lifetime Biſhop of *Brechin*, giving, granting and diſponing to the ſaid *Robert* during his ſaid Lifetime the ſaid Biſhoprick, with all and ſundrie Lands, Lordſhips, Barronies, Caſtles, Towers, Fortalices, Mannor-places, Houſes, Biggings, Yards, Orchards, Wards, Iſles, Miln, Miln-Lands, Multures and Sequels thereof, Woods, Fiſhings, as well of Salmond as other Fiſhings, Churches, Benefices, Teinds Parſonages and Vicarage, Superiorites, Dignities and Preheminencies, Priviledges, Immunities, Tennendries and Services of free Tennents, Advocations, Donations, and Rights of Patronages of all Churches, Rectories, Chaplanries, Prebendaries, Altarages, and of all other Benifices, as well Spirituals as Temporals, with the Feu-farms, yearly duties, Fees, Penſions, Fruits, Rents, Cains, Cuſtoms and Caſualities whatſoever as well not named as named, pertaining and belonging to the ſaid Biſhoprick, or at any time annexed thereto, together with Priviledge, Right and Juriſdiction of free Regality, free Chappel and Chancellary within the haill bounds of the ſaid Biſhoprick, with all and ſundry other priviledges, Liberties, Commodities, Dignities, preheminencies, Immunities, Fruits, Rents, Duties and Caſualities whatſoever pertaining and annexed thereto at any time bygone from the firſt Foundation of the ſaid Biſhoprick, or which ſhall be found to appertain and belong to the ſame in any time coming wherever they are or ly in any part within the Kingdom of *Scotland*, with power to the ſaid *Robert* to bruik, enjoy, exerce, poſſeſs and diſpone thereupon at his pleaſure, Sicklike and as freely in all reſpects and Conditions as any other Biſhop in any time bygone exerced, or for the future may exerce, and that as to the half of this inſtant year 1682, and all years and terms for the future, during all the days of his Lifetime, diſpencing always with the generality of thir preſents, as if all and ſundry the priviledges, Liberties, Rents, Duties, Caſualities and Emoluments of the ſame whatſoever were herein named, and at length inſert and enumerat, notwithſtanding whatſoever Acts of Parliament, Laws, Statutes,

and

and Conſtitutions of his Majeſties Kingdom of *Scotland*, made or to be made in the contrary, and whatſoever other Exception, Renuncing, Transferring, and over-giving the ſame by thir preſents, for his Highneſs and his Succeſſors, in favours of the ſaid Biſhop during all the days of his lifetime, with all Action Inſtance, proceſs or Execution whatſoever competent, or that may be competent thereupon, and with Supplement of all other Defects and Imperfections whatſoever, which his Majeſty will have as for expreſt in thir preſents; And his Majeſty hereby Requires and Commands all and ſundry Heretors, Proprietors, Feuars, Conjunct-fears, Occupyers, Tennents, Tackſmen and Poſſeſſors of the Lands, Teinds, Fiſhings, and others above-written, pertaining to the ſaid Biſhoprick, and all others Debitors, to readily anſwer, obey and make payment to the ſaid Biſhop, his Chamberlanes and Factors, of the Fruits, Rents, Feu-farms, Duties & Caſualities thereof whatſoever, and that as to the laſt half of this inſtant year 1682, and yearly and termly in time-coming, during all the days of his lifetime; And ſicklike his Majeſty hereby commands the Lords of his Highneſs Secret Council, to grant Letters upon ſix days Charge, for giving up and delivery to them of the ſaids Caſtles, Towers, Fortalices, Manor places, Edifices, Houſes, Yards, and others belonging to the ſaid Biſhoprick, and his Majeſty faithfully promiſes, *in verbo Principis*, to cauſe this his Majeſties preſent Donation and Tranſplantation be ratified in his Highneſs next Seſſion of Parliament of the ſaid Kingdom, with Conſent of the Eſtates of Parliament thereof, and if need beis, to diſſolve the ſaid Biſhoprick with the pertinents from the Patrimony of his Highneſs Crown: And laſtly, his Majeſty Ordains this preſent Gift, Tranſplantation and Proviſion to be extended in the beſt and moſt ample Form, with all Clauſes needful, and that Precepts be orderly direct hereupon in form as effeirs. *Given at*

Nota, *This* Diploma *is granted by new Creation upon the late Incumbent his being tranſlated to the Dioſy of* Aberdene, *and the perſon to whom granted, his being tranſlated from the Deanry of* Glaſgow *and Parſonage of* Hamilton *to the ſaid Biſhoprick of* Brechin, *the Dean and Parſon not being formerly Biſhop.*

Nota, *That Arch-biſhops and Biſhops have no Collation or Inſtitution (as Miniſters have) their Conſecration being ſufficient.*

The End of the Third Branch of the Fourth PART.

THE Fourth BRANCH OF, The Fourth PART OF THE Authors Syſtem of STILES,

Conſiſts of what paſſes the Great Seal only (or per Saltum *) which may be underſtood by the* Index *following, but the Stiles omitted and not ſet down* ad longum, *being for the moſt part drawn at Court, and from off the Records there, by a conſtant Stile, and with the Change and Alteration only of the Perſon and his Quality, Office, and Duration thereof, as ſometimes during life, and at other times during pleaſure, as the King is inclined, and all recorded in the Chancellary.*

1 COmmiſſion for a Perſon to be Commiſſioner for, and Repreſent His Majeſty in Parliament.
2 Commiſſion to a Perſon to be Commiſſioner for, and Repreſent his Majeſty in a Convention of Eſtates.
3 Commiſſion to a perſon to be Commiſſioner for, and repreſent his Majeſty in a General Aſſembly.
4 Commiſſion to a perſon to be Lord High Chancellour.
5 Commiſſion to a perſon to be Lord High Theſaurer.
6 Commiſſion for ſome of the Nobility, and others, to be Lords of the Theſaury, when it goes in that Conſtitution.
7 Commiſſion to the Lord Privy-Seal.
8 Commiſſion to be Lord Secretary of State.
9 Commiſſion to be Lord High-Admiral, Vice-Admiral, or Deput of the Admirality.
10 Commiſſion to be Lord Regiſter.
11 Commiſſion to be Lord Advocat.
12 Commiſſion to be Lord Theſaurer-Deput
13 Commiſſion to be Lord Juſtice-Clerk.
14 Commiſſion to be Director of the Chancery.
15 Commiſſion to be Lords of Seſſion, and one of them made Preſident.
16 Commiſſion to ſome Noblemen, Gentlemen, and others, to audit the Theſaurers Accompts, and at times to exoner; and at other times, only to Report to the King: who in that caſe exoners.
17 Commiſſion for the Peace of the Borders betwixt *Scotland* and *England*.
18 Commiſſion to be Juſtice-General.
19 Commiſſion to be Lords of Juſticiary.

20 Commiſſion to be Juſtice-*Deput* (when the Place went not in Commiſſion as now)

21 Patent creating a Perſon Duke, Marquis, Earl, Viſcount, or Knight Baronet.

22 Commiſſion for keeping the *Highlands* of *Scotland* in Peace, under the Denomination of a *Commiſſion of Juſticiary.*

23 Commiſſion for auditing the Accompts of the Burrows.

24 Commiſſion for Regulating of Judicatories.

25 Commiſſion to be General of the Mint.

26 Commiſſion to the Clerks of Council, and Juſtice-Court.

27 Commiſſion to be Sheriffs of ſuch Shires whereof the King has the Juriſdiction, as that of *Edinburgh*, *Perth*, *Haddingtoun*, *Aberdeen*, *Angus*, *Inverneſs*, *Roſs*, *Orkney*, and ſome others.

28 Commiſſion to a Nobleman (in time of War) to be Lieutenant within the Kingdom under his Majeſty, with a moſt full and ample power.

29 Exoneration to Men in their publick Truſt of their Adminiſtration in the Kings Affairs, and of what done, acted and Say'd by them therein, and of what can be laid to their Charge on that head, and upon that Accompt (yea, ſhould the ſame amount to Treaſon) and for which alſo in the cloſe (*& in uberiorem ſecuritatem*) his Majeſty remits them.

Others again will not have Exonerations, (judging themſelves innocent) but will take ſomething like unto it, and is called an Approbation in favours of —— of all things acted and done be him or others in his name, and by his Command, by vertue of the Commiſion granted by his Majeſty, and Lords of his Highneſs Privy Council to him, of the date the —— —— years in relation to ſuch an Expedition, which is curtly deduced.

Others again to put all out of queſtion, take a formal Remiſſion, and hit not only at ſome Specificks, but alſo a general Clauſe of all Crimes whereof a man can be capable or culpable; and either done, written or ſpoke, (*etiamq; cogitationes*) Which laſt Word I only ſee in the Duke of *Lauderdales* (my great and good Friend) and another Noble perſons: And I ſuppoſe (upon the Stile) imitating that of Remiſſions in *England*, bearing the ſame Words.

Nota, *Till of late, Remiſſions paſt in Exchequer, and through the whole Seals, and he that reads the* 10th. *Act.* Parl. 23. K. Ja. *the Sixth*, Auguſt 1621. *Bearing the Rates of the Seals, in paſſing Infeftments*, &c. *he will find the Remiſſions and the Price and Rules ſet down* (*according to each perſons Quality*) *from the higheſt to the loweſt Degree of Subjects, and as yet few go to the Great Seal* per ſaltum, *being but lately introduced.*

30 Commiſion to be Governour of the Caſtle of *Edinburgh*, *Striveling*, *Dunbarton*, *or the like Truſt.*

Some Burrows, (as *Edinburgh*, *Glaſgow*, *Aberdeen*, and others) obtain a Gift towards the payment of their Debts, and for other publick Works from the King of the two Pennies or the like of the Pint of all Ale, Beer, and other Liquor, browen, vended and ſold within, or imported to the Burghs, and ſome have a greater Latitude of ſo much out of the Tunn of Wine and Brandie imported or vented within the Bounds, and theſe Gifts alſo paſs the great Seal, and at times the King with conſent of the Eſtates of Parliament grants ſuch Gifts, and the like for Bigging and Upholding of Bridges, and other publick Works, tending

tending to the good of the Kingdom, and ſometimes ſuch paſs only the Privy Seal.

Nota, *When I let the Director-Deput of the Chancellary ſee this Catalogue (leaſt I might have omitted ſome) he returned it with this Obſervation upon the former words* (etiamq; Cogitationes) *that the ſame behoved to be a Miſtake in the Tranſlation of the* Engliſh *into* Latine, *for (ſays he) I Judge the* Engliſh *bears plotts or divices, which they have tranſlated to* Cogitationes, *But when I conſidered that the Words* Devices Conſpirations, *Treaſon and the like, (albeit not the Word* Plot *in any Dictionary I have ſeen) had proper words of their own in the* Latine, *I continue the Words* etiamq; cogitationes, *as moſt pertinent and Religious (and ſure Loyal at will ;) For* Satan *the great Enemy of Mankind (even from the beginning) makes his firſt aſſault upon Man, by corrupting his Thoughts, and then by the next Aſſault, prompts him foreward to Action, and ſure Diſloyalty (as it is moſt odious and againſt the Law of God and Man, and tending to the Subverſion of Religion and Society) ſo the very thoughts (having a tendancy thereto) are highly condemed by the Holy Scriptures,) read* Eccleſiaſtes Chap. 10. verſe 20. *and ye will find it ſo, the words are,* Curſe not the King, no not in thy Thought ; and curſe not the Rich in thy Bed-chamber, for a Bird of the Air ſhall carry the voice, and that which hath Wings ſhall tell the matter.

The End of the Fourth Branch of the Fourth PART.

To the Dean of Faculty, *and remanent Brethren of that Honourable and Learned* Society of Lawers ; George Dallas *of* St. Martins, *Author of the whole Work, (whereof this is the* Fifth Part,) *wiſheth all Happineſs and Proſperity.*

Gentlemen,

AS we are Members of the *Colledge of Juſtice,* (albeit in diſtinct Capacities,) ſo (amongſt the reſt of my Dedications,) I culled out this *Part* for you, as moſt appoſite, the Securities of Mens Eſtates being of the higheſt Import (next to our *Religion* and *Government*) of all Humane Things, and Adminiſtrats not only a preſent, happy, and comfortable Life to the Acquirer, but alſo a ſubject matter of Education and Proviſion of Children, to be of uſe in *Church* and *State.* And by whom ſhould Tranſactions of that nature be made, and not adviſed by eminent Lawers, who know the Fundamentals of Rights, and how Property may be Legally (and with Safety) Conveyed, Regiſters ſearched, Incumbrances detected, and future grounds of Eviction avoided and prevented ; and always inclined rather to find out Remedies, then creat Maladies, ſo that the Acquirer may live in the peaceable Poſſeſſion and Enjoyment of his Purchaſe, and Tranſmit the ſame (without fear) to Poſterity, whereas if the Acquirer through Parcimony or Ignorance, rely upon Perſons of mean and no Capacity, the event and ſad conſequence thereof is obvious and eaſily preſaged, and in thoſe words conclude, *O, mihi præteritos,* &c. and would give the one half to redeem the other from the ſevere and known laſh of an old, ancient, and expired Compryſing, Interdictions, Inhibitions, Hornings expired Year and Day, Rights of Property or Annualrent either confirmed by the Superior or a baſe Seaſin cled with Poſſeſſion, Seaſins not Regiſtrat in due time, Infeftments in Ward-Lands not confirmed, and thereby inferring Recognition, Defects in the Progreſs, and the like. When ye Reviſe the whole Work, I doubt not, but the prudent and moderat Spirit will Conſtruct all to the beſt, either for Merit, or out of Generoſity : Others (as vain Philoſophers) play the Critick, and Cenſure what does not pleaſe their Pallat ; to prevent which, I do my ſelf in Modeſty compare it to a Garden, wherein there may be Weeds as well as Flowers and Herbs, and all know, that the good Gardner makes a reaſonable diſtinction in pulling up the Weeds, and throwing them over the Hedge, and thereby enriches the Ground, to entertain and cheriſh the pleaſant Flowers and Herbs uſeful and profitable for Mankind : Nor doubt I, but Men of your Prudence, Learning, and Generoſity, will in that trace his Veſtiges, and put the beſt Conſtruction upon all Things, wherein ye will appear like your ſelves, and Oblige

Your ever Well-wiſher and Devoted Servant,

GEO. DALLAS.

THE FIFTH PART OF THE Authors Syſtem of STILES,

CONSISTS OF

Heretable-Bonds (*of various natures.*)
Bonds *of Proviſion of younger Children.*
Bonds *granted by Incorporations for Money.*
Contracts *of Wodſet* (*proper and improper,*) *and Renunciation of the Wodſet upon payment.*
Contracts *of Marriages of all qualities.*
Contracts *of Excambion of Lands.*
Contracts *anent the Heretable-Right of Coal, and Winning thereof, and many* Priviledges *belonging thereto, and ſome Acres to build Houſes upon; and an Charter upon the Reſignation of one of the* Parties, *of a good Stile.*
A Contract *bearing the Sale of Land irredeemably, reſerving the half of the Coall in the Ground; but there is a Communication of the Coal in both* Parties *Lands, with many* Priviledges (*and yet with ſome Limitations,*) *and but of a ſhort duration, being ſtinted to ſome* 40 *years.*
Contract *as to a Fore-Hand Bargain of Victual and Salmond, betwixt an Heretor and Merchants, for ſeveral years, at a ſet price,* (*upon advance of a conſiderable Sum, to extricat the Gentlemans Eſtate of Debt,*) *and therefore bears Infeftment,* (*in Corroboration of all the Rights and Incumbrances on the Eſtate, which the Merchants were to acquire the time of their entring in Minut, and actually did the time of the Contract,*) *as to a due and exact performance of the Bargain.*
Contract *of Feu.*
Minut of Contract (*as to the Sale of Lands.*)
Contract or Indentures *for clearing Marches, both as to* Property *and Commonty.*
Diſpoſitions *of Lands irredeemably; of Appryſings and Adjudications, whether on the Act of Parliament in place of Appryſings, or when the Apparent-Heir renounces; and in the Caſes when the Appryſer or Adjudger are Infeft or not.*
Diſpoſition and Renunciation *of the Annuity of Teinds.*
Diſpoſition *of Lands and others in real Warrandice; of other Lands formerly and principally Diſponed, and expires upon the purging of Incumbrances, or obtaining the* Parties *intereſſed in them their Conſents to the firſt and principal Right.*
Procuratory *by the Father for reſigning the Eſtate in favours of his eldeſt Son, reſerving ſome Liferents, and with the Burden of his Debt, and younger Childrens* Proviſions.

Factory *or* Commiſſion *by a Nobleman (going abroad) to Freinds to manage his Eſtate, and to grant Tacks, out-put and in-put Tenments and Chamberlains, enter and receive Vaſſals, call Chamberlanes to an Accompt, uplift and diſcharge Rents and Debts due, and pay Debts owing therewith.*

Submiſſions *and* Decreets-Arbitral, *clare conſtat.*

Tacks, *Charter-Party, and Bond of Cantion, if ſuſpended.*

Charter *of a good Stile by a Nobleman to three Ladies, his Daughters, for Implement of their Bond of Proviſion, (and for a conſiderable Sum,) with a Perſonal Reverſion to himſelf during life, upon payment on conſignation of an Angel of Gold, and another Reverſion to his Heirs, but upon payment of the whole Proviſions, and the Renunciation by the Father of the ſaid Perſonal Reverſion.*

Letter *of Bailliary by a Lord of Regality.*

Deputation *of the Offices of Stewarty and Sheriff-ſhip, and ſeveral Mortifications, of a moſt excellent Stile, and Religious and Comprehenſive, at will, with very uſeful and profitable Obſervations adjected to moſt of the Stiles, worthy of Obſervation.*

HERETABLE-BOND bearing an Obligment to Infeft in an Annualrent out of Lands, for ſecurity of the principal Sum borrowed, and that by double Infeſtments, to be holden, with Warrandice, under Reverſion, and with Requiſition; and containing divers other Clauſes, as hereafter expreſt; and likeways Procuratory of Reſignation and Precept of Seaſin.

BE *it Kend* to all Men by thir preſent Letters, me *A. B.* of —— Heretable-Proprietar of the Lands and others after-ſpecified, (furth of which the Annualrent after-mentioned is appointed to be uplifted and and taken, in manner after-expreſt;) *Forſameikle* as *G. D.* of —— has inſtantly advanced, payed and delivered to me, the Sum of 5000 merks *Scots* money (for outreding of my neceſſar Affairs,) whereof I hold me well content, ſatisfied and payed; and for me, my Heirs and Executors, exoner and dicharge the ſaid *G. D.* his Heirs, Executors, and all others whom it effeirs of the ſamen, (renuncing the exception of not numerat Money, and all other exceptions and objections of the Law whatſoever that may be proponed or alledged in the contrair) by thir preſents for now and ever: *Therefore*, wit ye me to be bound and obliged, likeas I by thir preſents, faithfully bind and oblige me, my Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe by Charter and Seaſin, *titulo oneroſo*, in due and competent Form, the ſaid *G. D.* his Heirs and Aſſigneys whatſomever, Heretably (under Reverſion in manner after-ſpecified) in all and haill an Annualrent of three hundred merks Money foreſaid, (or any other Annualrent effeiring to the ſaid principal Sum, that by any ſupervenient Law ſhall happen to be eſtabliſhed within this Kingdom for the future) yearly to be uplifted and taken at two Terms in the year *Whitſunday* and *Martinmas*, by equal Portions, furth of all and haill my Lands of —— lying within the Parochin of —— and Sheriffdom of ——, or any part or portion thereof, and firſt, beſt and readieſt of the Mails, Farms, Profits and Duties of the ſame, and that by double Infeftments and manner of Holdings; the one thereof, to be holden of me and my foreſaids, in free Blenſh, for payment of a Penny *Scots* Money, upon the Ground of the ſaids Lands, at the Feaſt of *Whitſunday* yearly (in name of Blenſh-Farm) if it be asked allanerly; and the other of the ſaids Infeftments, to be holden from me and my foreſaids, of my immediat lawful Superiors of the ſaids Lands (and conſequently of the ſaid Annualrent) alſo Blenſh, and for payment of the

the like Duty as aforeſaid at the Term above ſpecified (if required,) and that either by Reſignation or Confirmation as beſt ſhall pleaſe the ſaid *G. D.* and his foreſaids, the acceptation of the one of the ſaids Infeftments to be no ways prejudicial to the other; and for that effect, to make, grant, ſubſcribe, and deliver to them ſufficient Procuratories of Reſignation, Charters containing Precepts of Seaſins, and other Securities requiſite and neceſſary for infefting and ſecuring of them thereintil, and that upon my own proper Charges and Expenſes. And for the better obtaining of the foreſaid Infeftment by Reſignation (but prejudice of the other Infeftment above-written,) I by thir preſents, make, conſtitute and ordain ——, and ilk one of them, conjunctly and ſeverally, my very lawful, undoubted and irrevockable Procurators, Actors, Factors, and ſpecial Errand-Bearers, to the effect after-ſpecified, giving, granting, and committing to them conjunctly and ſeverally as ſaid is, my very full, free, plain Power, expreſs Bidding, Mandat and Charge, for me, in my Name, and upon my Behalf, to compear before my immediat lawful Superiors above-ſpecified, or their Commiſſioners in their names, having their Power, to receive Reſignations, and thereupon to grant new Infeftments, at & upon whatſoever day or days, place or places, lawful and convenient, and there with all all due humility, and condigne reverence as becomes, purely and ſimply by Staff and Baſton, as uſe is, to reſign; likeas, I by thir preſents, reſign, ſurrender, over-give and deliver all and haill the foreſaid Annualrent of three hundred merks Money foreſaid, (or any other Annualrent effeiring to the ſaid principal Sum that ſhall happen to be eſtabliſhed in manner foreſaid) yearly to be uplifted and taken at the ſaids Terms, and by equal Portions as ſaid is, furth of the Lands and others above-mentioned, lying as ſaid is, in the Hands of my ſaids immediat lawful Superiors, or their Commiſſioners above-expreſt, in favours and for new Infeftment of the ſame, to be made and granted to the ſaid *G. D.* his Heirs and Aſſigneys whatſomever, Heretably, in ſuch due and competent form, as accords, (redeemable always and under Reverſion in manner after-rehearſed,) Acts, Inſtruments and Documents one or moe as need beis in the Premiſſes, to ask and raiſe, and generally all and ſundry other things thereanent, to do, uſe, and exerce, als freely in all reſpects as I might do therein my ſelf, if I were perſonally preſent: promiſing to hold firm & ſtable, *&c.* and (now as if the ſaids Infeftments were already made and paſt, and then as now) I by thir Preſents, bind and oblige me and my foreſaids, to warrand the foreſaid Annualrent, Lands, furth of which upliftable, Reſignation and Infeftment to follow thereupon, to be ſufficient, free, ſafe and ſure to the ſaid *G. D.* and his foreſaids, in all, and by all things as is above-written, from all and ſundry Wards, Releifs, Non-entries, Eſcheats, Liferents, Conjunct-fees, Ladies Terces, Inhibitions, Interdictions, Appryſings, Adjudications, Recognitions, Diſclamations, Evictions, Reductions, Nullities, and other Perils, Burdens, Dangers, and Inconveniences whatſomever, alſwell not named as named, bygone, preſent, as to come, during the ſaid not redemption, at all Hands, and againſt all deadly as Law will. *Likeas*, I by thir Preſents, bind and oblige me and my foreſaids (but innovation of, or derogation to the Infeftments above-written) to make good and thankful payment to the ſaid *G. D.* and his foreſaids, of the ſaid Annualrent, at the Terms, and by equal Portions as ſaid is; beginning the firſt Terms payment thereof, at the Term of *Whitſunday* next to come, (for the Term immediatly preceeding, *viz.* from *Martinmas* laſt to the ſaid Term of *Whitſunday* next,) and ſo furth yearly and termly thereafter, at the ſaids Terms and by equal Portions, in manner foreſaid, during the ſaid not Redemption, with the Sum of thirty merks Money above-written of liquidat Expenſes for ilk Terms failzie of the ſaid Annalrent, and that by and attour the ſame, and together therewith. And for their further Security and more ſure payment of the ſaid

Annualrent, I by thir Preſents (but dirogation to the Infeftments and perſonal Obligations above-written, or either of them, *ſed accumulando jura juribus*,) make, conſtitute and ordain them, my undoubted Ceſſioners and Aſſigneys, in and to alſmuch of the firſt, beſt and readieſt of the Mails, Farms and Duties of the ſaids Lands, as will correſpond and be effeiring to, and ſatisfie and pay them off the ſaid Annualrent and Expenſes foreſaid (if incurred) yearly and termly in time-coming; with Power to them, to receive the ſame from the Tennents and Poſſeſſors, and to purſue therefore if need beis, by a Poynding of the Ground, or otherways, as accords; and upon payment, to grant Diſcharges, and do all other things thereanent, als freely in all reſpects as I might do therein my ſelf before the granting of thir Preſents. And furder, in caſe it ſhall pleaſe the ſaid *G. D.* and his foreſaids, to hold the ſaid Annualrent of me, and my Heirs, as their immediat lawful Superiors thereof in time-coming, I oblige me and my foreſaids to enter and receive them In vaſſals to us therein, alſoft as occaſion falls out and occurs, and that *gratis*, freely, but any Compoſition; and if any Caſuality ſhall happen to fall in our Hands, as Superiors foreſaid, by Eſcheat, Liferent or otherways, to diſpone the ſame alſo in their own favours, or in favours of any other perſon to their behove they pleaſe nominat, and that likeways *gratis*, but any Compoſition; likeas now (as if the ſame were already fallen out and occurred, and then as now) I by thir Preſents, Aſſign and Diſpone the ſame in their own favours for ever. *Providing* always, likeas it is hereby ſpecially provided and declared, (and be it ſo provided and declared by the Reſignation and Infeftments to follow hereupon,) that the foreſaid Annualrent ſhall be always redeemable by me and my foreſaids from the ſaid *G. D.* and his foreſaids, by Payment making to them at any Term of *Whitſunday* or *Martinmas* even hereafter, within St. *Geils* Kirk of *Edinburgh*, of the foreſaid principal Sum of 5000 merks, in ſufficient Gold and Silver (having paſſage and courſe of Payment for the time, and all Copper, baſe and layd Money excepted and excluded,) and upon premonition of 40 days of before, to be made by me and my foreſaids to them for that effect, perſonally, or at their dwelling-places for the time, in preſence of an Nottar and Witneſſes as effeirs; and in caſe of their abſence, or refuſal of the ſaids Sum, the ſame to be conſigned in the Hands of the Provoſt, or any one of the Baillies, Theſaurer, or Dean of Guild of the ſaid Burgh of *Edinburgh* (moſt reſponſal for the time,) to be made furth-coming to the ſaid *G. D.* and his foreſaids, upon the peril of the Conſigner; and it is hereby declared, that until ſuch time as the haill by-runs of the ſaids Annualrent that beis reſting for the time, with the foreſaid termly Penalty, and Expenſes after-ſpecified (if incurred,) together with all other Sums that ſhall happen to be reſting by me and my foreſaids to the ſaid *G. D.* and his foreſaids, by Bonds apart (and that beis eiked to the ſaid Reverſion,) be all really payed, numerat and told down with the ſaid principal Sum, or otherways conſigned as ſaid is, no lawful Redemption to be repute nor holden; and on the other part, the ſaid Sums being ſo payed, or conſigned, then the foreſaid Annualrent ſhall be holden as lawfully redeemed, looſed and out-quit in all time-thereafter. And laſtly, it is hereby declared, that the foreſaid proviſion and condition of Reverſion, is and ſhall be als ſufficient for uſing of the foreſaid order of Redemption, as if an particular Letter of Reverſion were duely and lawfully made, ſealed, ſubſcribed, delivered and regiſtrat apart, with all Solemnities requiſite, conform to the Act of Parliament, (albeit the ſame be not ſo done,) whereanent diſpenſes for ever: And notwithſtanding of the Premiſſes, in caſe it ſhall pleaſe the ſaid *G. D.* and his foreſaids, rather deſire to have the ſaid principal Sum repayed to them, then to retain the Security thereof above-written; in that caſe, I bind and oblige me, my Heirs, Executors, Succeſſors to me in my

Lands

Lands and Heretages, and Intrometters with my Goods and Gear whatſomever, (4) to content, pay and deliver again the ſaid principal Sum of 5000 merks Money foreſaid, to them, upon the ſaid Feaſt and Term of *Whitſunday* even next to come, or any other Term or Time thereafter they pleaſe, upon the requiſition of twenty four Hours of before to be made by the ſaid *G. D.* or his foreſaids, to me and my foreſaids for that effect, perſonally, or at our dwelling-houſes for the time, we being within the Realm; and in caſe we be furth thereof, at the dwelling-houſe of ——, as the only Manſion hereby deſtinat and appointed for the ſame, without any neceſſity of requiring us at *Edinburgh*-Croſs, or Peer of *Leith*, or of our Tutors or Curators, albeit we be Minors for the time, or of any Letters in ſupplement for that effect, whereanent (and with all that may follow thereupon, or that may be objected againſt the ſame, and of all Acts and Laws made or to be made to the contrair,) I for me and my foreſaids have diſpenſed, and by thir Preſents diſpenſes for ever, and renounces the ſame in their favours *omni habili modo*, and that in preſence of an Nottar and Witneſſes as effeirs, wherein if we falizie (requiſition being lawfully made as ſaid is) I bind and oblige me and my foreſaids, to content and pay to the ſaid *G. D.* and his foreſaids, the Sum of —— of liquidat Penalty, inſtantly modified and agreed to of conſent, in caſe of failzie, and that by and attour the ſaid principal Sum, Annualrents, and Charges of the ſaids Infeftment reſting at the time, termly Penalties thereof, and together therewith. (6) And laſtly, it is hereby declared, agreed to, and condeſcended upon betwixt us, that notwithſtanding of any ſuch requiſition, or perſonal or real Execution to follow hereupon, yet it ſhall be lawful to the ſaid *G. D.* and his foreſaids, to recur to their ſaid Right of Annualrent, Decreet of Poynding of the Ground following thereupon, and Poſſeſſion apprehended by vertue thereof, and to make uſe either of the ſame, or of the forſaid real or perſonal Diligence and Execution to follow on the ſaid Requiſition, or of both conjunctly or ſeverally as accumulative or diſtinct Rights, the one but prejudice of the other, in their option, and that but any innovation or confuſion of Rights. And for the more ſecurity, I am content, and conſent thir Preſents be inſert and regiſtrat in the Books of Council and Seſſion, or others competent, to have the ſtrength of an Decreet of the Lords, or Judges thereof interponed thereto, that Letters of Horning on ſix days, and others neceſſar, in Form as effeirs, may paſs hereupon; and for that effect, conſtitutes my Procurators, *&c. Attour*, to the effect the ſaid *G. D.* may be lawfully Infeft in the ſaid Annualrent, to be holden of me, or of my immediat lawful Superiors above-ſpecified, or of both or either of us, (the one but prejudice of the other in his option,) I by thir Preſents, make conſtitute and ordain and ilk one of you, conjunctly and ſeverally, my very lawful, undoubted, and irrevocable Baillies, to the effect after-ſpecified; and it is my will, and I charge you, that incontinent this my Precept of Seaſin ſeen, ye paſs to the Ground of the Lands, and others above-mentioned, (furth of which the ſaid Annualrent is upliftable in manner foreſaid) and there give Heretable State and Seaſin, actual, real and peaceable Poſſeſſion, of all and haill the foreſaid Annualrent of 300 merks Money foreſaid, (or any other Annualrent effering to the ſaid principal Sum that ſhall happen to be eſtabliſhed in manner foreſaid,) yearly to be uplifted and taken at the Terms, and by equal Portions as ſaid is, furth of the Lands and others above-mentioned, with the Pertinents lying in manner above-expreſt, or any part thereof, and readieſt Duties of the ſame, to the ſaid *G. D.* or his Actorny in his Name, Bearer of thir Preſents, by deliverance to them of Earth and Stone of the ſaids Lands, and an Penny Money upon the Ground thereof as uſe is, and this on no ways ye leave undone; the whilk to

do, gives full Power and Commiſſion there-anent, by this my Precept of Seaſin, direct for that effect, (redeemable always and under reverſion in manner above-expreſt.) In witnes whereof, I have ſubſcribed thir Preſents (written by ——) with my Hand at —— the —— day of —— —— years, before thir Witneſſes.

Nota, *In caſe of voluntar Payment, or legal Redemption, there muſt be a Renunciation and Grant of Redemption, which ye will find afterwards amongſt other Renunciations.*

HERETABLE-BOND (bearing Infeftment in Lands) for Security of Money, (and not by way of Annualrent furth thereof,) and is very full and ample, and if the Creditor pleaſe, hald of the Debitor, during not Redemption, the Entry and Non-entry of the Heirs and Liferent-Eſcheat of the Debitor if it fall, are Taxed, and of the like, more afterwards.

BE it kend to all Men by thir preſent Letters, me *A. B.* of —— Heretable Proprietar of the Lands and others after-ſpecified; *Forſamekle* as *G. D.* of —— has inſtantly advanced, payed and delivered to me (in freindly borrowing, and for out-redding of my neceſſar Affairs,) all and haill the Sum of 5000 merks *Scots* Money, whereof I hold me well content, ſatisfied and payed, and for me, my Heirs and Executors, exoner and diſcharge the ſaid *G. D.* his Heirs, Executors, and all others whom it effeirs of the ſame, (renuncing all exceptions and objections in the contrair) for now and ever: *Therefore*, wit ye me to be bound and obliged, likeas I hereby bind and oblige me, my Heirs (alſwell Male, Tailzie, Conqueſt and Proviſion as of Line, renuncing the benefit of the order of diſcuſſing them) Succeſſors to me in my Lands and Heretages, and Intrometters with my Goods and Gear whatſomever, thankfully to refound, content, pay and again-deliver to the ſaid *G. D.* his Heirs and Aſſigneys (ſecluding Executors,) the ſaid Sum of 5000 merks Money foreſaid, with the Annualrent thereof from the date hereof to the Term of Payment under-written, and that betwixt and the Term of —— next to come, but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, (attour the ſame and together therewith,) together alſo with the ordinar Annualrent of the ſaid principal Sum, conform to the Act of Parliament, and that yearly, termly, and continually, during the not Payment thereof after the ſaid Term. And for the ſaid *G. D.* and his foreſaids their further Security anent the Premiſſes, (and but derogation to the Perſonal Obligment above-ſpecified, or innovation thereof in any ſort, but in furder Corrobation of the ſame *accumulando jura juribus,*) I bind and oblige me, my Heirs and Succeſſors aforeſaid, duely and ſufficiently, to Infeft and Seaſe them Heretably (under Reverſion, in manner after-mentioned,) in all and haill my Lands of ——, lying within the Parochin of ——, and Sheriffdom of ——, and that by double Infeftments and manner of Holdings *à me* and *de me*, and both Blenſh, for payment of an Penny *Scots* Money on the Ground, at the Feaſt of *Whitſunday* yearly, in name of Blenſh-farm, if it be asked allanerly, and to grant all Rights requiſite thereanent, with Warrandice in manner under-written, and upon our own Charges and Expenſes; and for the better obtaining of the ſaid Infeftment by Reſignation (but prejudice of the other Infeftment above-written,) I hereby make and conſtitute —— and ilk one of them, conjunctly and ſeverally, my very lawful, undoubted and irrevockable Procurators, (*here take in the former Procuratory of Reſignation, only inſtead of reſigning the Annualrent as there, ye muſt here reſign the Lands,*

Lands, and write till ye come to the Warrandice, and then ſay) and (now as if the ſaids Infeftments were already made and paſt, and then as now) I hereby bind and oblige me and my foreſaids, to warrand the foreſaids Lands, Reſignation and Infeftments, (*here take in the Warrandice as in the former Bond, till ye come to* likeas, *and then ſay*) and in like-manner, I hereby (but derogation to the former Rights real and perſonal, *ſed accumulando jura juribus*, in manner foreſaid) make, conſtitute and ordain the ſaid *G. D.* and his foreſaids, my undoubted Ceſſioners and Aſſigneys, in, and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids, in all time-coming, during the not Redemption, at leaſt in and to ſo much thereof as will ſatisfie and pay them, not only the Annualrents of the ſaid principal Sum yearly and termly during the ſpace above-ſpecified, but likeways the Expenſes of the ſaids Infeftments (if they be the expenders thereof,) and even the principal Sum it ſelf and Penalty after-mentioned, if incurred, and if ſo it ſeem to them expedient. And farder, I hereby Aſſign, Transfer and Diſpone in their favours, the Writs and Evidents, both old and new of the ſaids Lands and others foreſaids, in ſo far allanarly as may be extended to the ſecurity and payment of the ſaids Sums, and no farder. With full Power to the ſaid *G. D.* and his foreſaids, to intromet-with, up-liſt, ask, crave, and receive the foreſaids Mails, Duties and Caſualities above-aſſigned, from the Tennents and Poſſeſſors of the ſaids Lands and others foreſaids, (in far as may be extended as ſaid is,) and to call and purſue therefore, before any Judge or Judges competent, and to ſet and raiſe Tennents, uſe Warning, proſecute Removing, Decreets in the Premiſes to obtain and recover, and the ſame to due execution cauſe be put, and upon payment to grant Diſcharges, which ſhall be ſufficient to the receivers, and to do what elſe I might do therein my ſelf before the granting of thir preſents. *Providing* always, likeas it is hereby ſpecially provided and declared, (and be it ſo provided and declared by the Reſignation and Infeftments to follow hereupon,) that the ſaids Lands and others foreſaids, are, and ſhall be always redeemable by me and my foreſaids, from the ſaid *G. D.* and his foreſaids, by Payment making to them at any Term of *Whitſunday* or *Martinmas* even hereafter, within ——, of the foreſaid principal Sum of 5000 merks Money foreſaid, in ſufficient Gold or Silver (having paſſage and courſe of Payment for the time, and all Copper, Braſs and Lay-Money excepted and ſecluded,) together with the Expenſes of the foreſaid Infeftments (in caſe they be the Deburſers thereof,) and Annuals of the ſaid principal Sum that ſhall happen to be reſting for the time, upon the Premonition of fourty days of before to be made by me and my foreſaids to them for that effect, perſonally, or at their dwelling-places (for the time,) in preſence of an Nottar and Witneſſes as effeirs; and in caſe of their abſence, or wilful refuſal to the Recept of the ſaids Sums, the ſame to be conſigned in the Hands of the Provoſt, or any one of the Baillies, Dean of Guild, or Theaſaurer of the Burgh of —— (moſt reſponſal for the time) to be made furth-coming to the ſaid *G. D.* and his foreſaids, upon the Peril of the Conſigner. And it is hereby provided and declared, that until ſuch time as not only the ſaid principal Sum, Annualrents thereof reſting for the time, and Expenſes of the ſaids Infeftments, but alſo all other Sums that ſhall happen to be reſting by me and my foreſaids to the ſaid *G. D.* and his foreſaids, by Bond apart (and that beis eiked to the ſaid Reverſion) be all really payed, numerat and told-down there-with, (or otherways conſigned as ſaid is,) no lawful Redemption to be repute or holden; And on the other part, the ſaids haill Sums being ſo payed or conſigned in manner foreſaid, then the ſaids Lands and others above-ſpecified ſhall be holden as lawfully redeemed, louſed, and out-quit in all time thereafter; and farder, it is hereby declared, that the foreſaid Proviſion

and Condition of Reverſion, is and ſhall be als ſufficient for uſing the ſaid order of Redemption, as if a particular Letter of Reverſion were duely and lawfully made, ſealed, ſubſcribed, delivered and regiſtrat apart, with all Solemnities requiſite conform to the Act of Parliament (albeit the ſamine be not ſo done,) whereanent diſpenſes for ever. And in caſe during the ſaid not Redemption, it ſhall pleaſe the ſaid *G. D.* and his foreſaids, to hold the ſaids Lands with the Pertinents, of me and my Heirs and Succeſſors, as their immediat lawful Superiors thereof, I bind and oblige me and my foreſaids, to enter and receive them from time to time In-vaſſals, and Heretable Tennents to us therein, for payment of three ſhilling four pennies *Scots* Money, in name of Compoſition for each Entry, and not to ly out our ſelves unentered, in the ſaids Lands, to their prejudice; and if any Caluality ſhall happen to fall in our Hands, as Superiors foreſaids, by Liferent-Eſcheat, or otherways: To diſpone the ſame, and haill Caſualities thereof in their own favours, or in favours of any other perſon they pleaſe, and for their behove, and that for payment of Six ſhilling eight pennies Money foreſaid, *toties quoties* any ſuch Caſuality ſhall happen to fall in our hands, as Superiors above-ſpecified. And laſtly to diſpone to them the Nonentries of the ſaids Lands, and haill Benefit thereof, as oft, and how oft the ſame ſhall occur for payment of the like Sum of (6) ſhilling 8 Pennies, and to which reſpective Sums, I for me and my foreſaids have taxed, and hereby tax the ſaids Entries, Nonentries, and Liferent Eſcheats, and other Caſualities that may fall in our hands, as Superiors above-named, in favours of the ſaid *G. D.* and his foreſaids in all time coming during the ſaid not Redemption, likeas, now as if the ſaids Caſualities were already fallen out & occurred, then as now, I for me & my foreſaids hereby aſſign and diſpone the ſamen in their own favours for ever, upon payment allenarly of the reſpective Duties above ſpecified, to which the ſame are taxed in manner foreſaid; And notwithſtanding of the Premiſſes, in caſe it ſhall pleaſe the ſaid *G. D.* and his foreſaids rather deſire to have the ſaid principal Sum repayed to them, than to retain the Security above-mentioned, in that caſe I bind and oblige me, my Heirs, Executors, Succeſſors to me in my Lands and Heretages, and Intrometters with my Goods and Gear whatſoever, (*here take in from the* 4 *Figure to the* 6 *in the former heretable Bond, and then ſay*) And it is hereby expreſly provided and declared, agreed to, and condeſcended upon, betwixt us, that notwithſtanding of any ſuch Requiſition, or perſonal or Real Execution, and Diligence to follow thereupon, yet the ſaid Infeftment and Right ſhall no ways be thereby louſed, Innovat, Hurt or Infringed, nor ſhall the ſaids Infeftments and Right, Hurt or prejudge the ſaid Requiſition, and other real and perſonal Diligence aforeſaid, but that it ſhall be ſtill leiſum and lawful to the ſaid *G. D.* and his foreſaids, to make uſe of all or either of the ſaids Rights, conjunctly or ſeveraly, as accumulative or diſtinct Rights, the one but prejudice of the other, and that in their option, and but any Innovation or Confuſion of Rights, and for the more Security (*here take in the former Clauſe of Regiſtration, and then ſay*) Attour to the effect the ſaid *G. D.* may be lawfully Infeft in the ſaids Lands to be holden *à me, de me*, or both, in his option, I hereby make, Conſtitute and Ordain ——— or any one of you my Baillies in that part, to the effect after-ſpecified, with full and ample power to paſs to the ground of the ſaids Lands and others foreſaids, with the Pertinents, and there give heretable State and Seaſin, Actual, Reall and peaceable Poſſeſſion of the ſaids Lands and others foreſaids, with the Pertinents lying as ſaid is (*here holden as for expreſt* brevitatis cauſa) to the ſaid *G. D.* or his Acturney in his name bearer of thir preſents, by Deliverance to them of Earth and Stone of the ſaids Lands upon the ground thereof, as uſe is, and this on no ways ye leave undone; The whilk to do, gives full power and

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Commiſſion thereanent by this my Precept of Seaſin granted for that effect (redeemable always, and under Reverſion, in manner above-expreſt) in witnes whereof I have ſubſcribed thir Preſents, (written by ——·--) with my Hand at — the — day of —— —— years, before thir Witneſſes.

Nota, *By the two former Draughts (or Forms) ye may perceive that Heretable Bonds are of different and various Natures,* viz. *The firſt by way of Annualrent out of the Land, and with Requiſition, and the laſt, by way of Obligation for the Money, bearing Annualrent and Expenſes in common Form; and a Obligement for Infeftment, not by way of Annuity or Annualrent, but in the Lands themſelves, whereby the Creditor may be payed by Poſſeſſion, and uplifting the whole Duties, (whatever fall out as to the Debitors Condition) and that of the principal Sum as well as of the Annualrents, and is the better Right, ſpecially ſeing by the firſt Right ſhould the Creditor deceaſe, and his Heir Minor, and that negligent Tutors, not infeft him immediatly (upon the deceaſe of his Father) the Annualrent falling in nonentry (by the Rule of Retoure and Chancery)* valet ſeipſum *to the Superior if the Father was confirmed, or entered by Reſignation, and ſo found by the Lords in many caſes, and this hazard was moved in Parliament (for a Ratification thereof, and to have it reduced to a Blench-Duty, but took no effect.*

Nota, *There is a third ſort of an heretable Bond,* viz. *The Debitor borrows the Money (as in the firſt Draught) and obliges to infeft in the Lands by double Infeftments, containing alſo Procuratrie of Reſignation, Warrandice, and Aſſignation to the Writs and Evidents, and Mails and Duties, Reverſions and Obligements as to the Entry, Nonentry, and Liferent-Eſcheats, and Precepts of Seaſin as in the ſecond Draught, and ſo in thir two Points only differs from the ſecond,* viz. *he only borrows the Money and obliges to infeft, but does not oblige in the firſt place to pay at a Term, with Annalrent and Expenſes as in the ſecond Drawght: And ſecundo, This therefore bears a Clauſe of Requiſition, which the ſecond, or immediat former Draught does not, becauſe in that there is firſt a perſonal Bond for the Money, and then the Obligement to infeft, and in this there is no Obligation in the firſt place, but thereafter Requiſition, and upon the whole matter, a Party that borrows Money moſt pleaſe his Creditor, and the Writer walks as Parties conceit.*

Nota, *There is a fourth Sort of a Heretable Bond, and that is, when the Bond is conceived in favours of Heirs and Aſſigneys (ſecluding Executors) and ſo eſtabliſhed by Act of Parliament, meerly upon the account to evite Confirmation of Teſtaments, and to exclude Relicts from Half or Third of the perſonal Eſtate, the generality of the Kingdom being much concerned in the having of the ſaid Act made, and yet obliges Parents to provide for their younger Children in time, leaſt by the Conception aforeſaid, the Heir claiming all, and the poor younger Children left to his mercy, and who is certain of his Life, or the time of his Diſſolution.*

BOND of Provision by a Father to his six younger Children, the eldest Son as Heir being to succeed to his Real and Personal Estate, containing fine Clauses and most rational Substitution and faculty.

BE it kend to all men by thir presents Letters, me *U. D.* of *D.* Foresameikle as I considering, that as the eldest Son succeeds to the Father in his real Estate, so it is a Duty lying upon all Parents (by the Law of God and Nature) to provide their younger Children to such competent Portions and Provisions (as their Estate will allow, and even when the personal will not afford a Fund (whereupon to effectuat the same) to burden the real Estate therewith; and that to perform that Duty to the younger Children seasonably (and whilst Parents are in health, and in *Lige-pouste*, and so most fit and capable to judge of such matters, and set down the solid and secure Rule, that the same may not afterwards be brought in question by the Heir) is the true and safest way, and I likeways taking under my Consideration, that as God has blessed me with six Children (besides my eldest Son) so he has also blessed me with a competent Estate in a World wherewith to provide my said younger Children, and besides wherewith to provide my eldest Son; And I being fully resolved to give an evidence of my Resolutions and Intentions towards my said younger Children, and not leave them to uncertainties (as that of *Death-bed* or Sickness) *Therefore* wit ye me to be bound and obliged, likeas I by thir presents, faithfully bind and oblige me, my Heirs, Executors, Successors to me in my Lands and Heretages, and Intrometters with my Goods and Gear whatsoever, to Content, Pay and Deliver to *A. D.* my eldest lawful Daughter, *W. D.* my second lawful Son, *N. D.* my third lawful Son, *C. D.* my second lawful Daughter, *G. D.* my third lawful Daughter, and *G. D.* my fourth lawful Son, and to their Heirs of Line, Tailzie and Provision after-specified, and their Assigneys aftermentioned) all and haill the Sum of 33000 Merks usual Money of this Realm as principal, with the Annualrent thereof, from the first Term of W. or *M. Can.* or *Lambmass* next, and immediatly following my own decease (when the same at the pleasure of God shall happen) to the term of payment under-written, and that betwixt the date hereof, and yeat and day after my said decease according to the respective Portions and division under-written, (and with and under the other Reservations, Provisions, Conditions, Declarations, Power, Faculty and Liberty after-rehearsed) *viz.* to the said *A.* and Heirs of her Body, and Assigneys by Contract of Marriage allenarly, or in case of Marriage, and thereafter deceasing within year and day without a living Child lawfully begotten of her Body to the persons aftermentioned, the sum of 8000 Merks thereof, and to the said W. and Heirs of his body and his Assigneys (after his full and perfect age of 21 years compleat allanerly) the Sum of other 8000 Merks of the same, and to the said *N.* and Heirs of his body, and Assigneys (after majority allennarly) the sum of 5000 Merks thereof, and to the said *C. D.* and Heirs of her Body, and Assigneys by Contract of Marriage allennarly, or in case of Marriage, and thereafter deceasing within year and day (without a living Child procreat in the said Marriage) to the persons after-named, the Sum of 4000 Merks therof, and to the said *G. D.* and Heirs of her Body, and Assigneys by Contract of Marriage allennarly, or in case of Marriage, and thereafter deceasing within year and day (without a living Child procreat in the said Marriage) to the persons after-named, the Sum of 4000 Merks thereof; And to the said G.D. and Heirs of his Body and Assigneys (after his Majority allennarly) the Sum of

of 4000 Merks: And which particular Sums provided to the ſaid ſeveral Children in the whole compleats the ſaid Sum of 33000 Merks Money above-ſpecified, deſtinat and appointed by me for them in manner above-expreſt. And failing of the ſaid Children (without Heirs of their own Bodies, or without Aſſignations made of their Portions by Contract of Marriage (as to the Females) and after Majority (as to the Mails *reſpectivè*) as ſaid is, I oblige me and my foreſaids to pay the ſaids reſpective Portions (in the caſes above and after-ſpecified) to the perſons after-mentioned, according to the Diviſion and Subſtitution following, *viz.* Failzeing of the ſaid *A. D.* my eldeſt Daughter by deceaſe, without Heirs of her Body, or Aſſignation made be her of Portion by Contract of Marriage in manner foreſaid, the Sum of 2000 Merks of her ſaid Portion, to *J. D.* my eldeſt lawful Son, and his Heirs and Aſſigneys, and the Sum of 4000 Merks thereof, to the ſaid *C.* and to her Heirs and Aſſigneys above-ſpecified, and the other 2000 Merks of the ſame to the ſaid *Gr.* and her Heirs and Aſſigneys above-mentioned, and failzeing of the ſaid *W. D.* my ſecond Son by deceaſe (without Heirs of his Body or Aſſignation made by him of his ſaid Portion after his Majority) the Sum of 5000 Merks of his Portion, to the ſaid *N. D.* my third Son, and to his ſaids Heirs and Aſſigneys, and the other 3000 Merks thereof, to the ſaid *J. D.* my eldeſt lawful Son, and to his Heirs and Aſſigneys above-ſpecified, and failzeing of the ſaid *N.* by deceaſe, (without Heirs of his own body, or Aſſignation made by him of his ſaid Portion after his ſaid Majority,) the Sum of 3000 Merks of his ſaid Portion, to the ſaid *G. D.* my fourth lawful Son, and to his Heirs and Aſſigneys above-ſpecified, and the other 2000 Merks of the ſame, to the ſaid *J. D.* my eldeſt lawful Son and his foreſaids; And failzeing of the ſaid *Ca.* by deceaſe (without Heirs of her Body, or Aſſignation made by her of the ſaid Portion by Contract of Marriage, or in caſe of her Marriage deceaſing within year and day thereafter, without a living Child procreat in the ſaid Marriage, the Sum of 2000 Merks of her ſaid Portion to the ſaid *G. D.* and her Heirs and Aſſigneys above-ſpecified, and the other 2000 Merks of the ſame to the ſaid *J. D.* my eldeſt lawful Son, and to his Heirs and Aſſigneys; And failzeing of the ſaid *G. D.* by deceaſe without Heirs of her body, or Aſſignation made by her by Contract of Marriage of her ſaid Portion, or in caſe of Marriage and deceaſing within year and day thereafter, without a living Child procreat therein the Sum of 2000 Merks thereof to the ſaid *Ca. D.* her Heirs and Aſſigneys above-ſpecified, and the other 2000 Merks of the ſame, to the ſaid *J. D.* my eldeſt lawful Son, and to his Heirs and Aſſigneys: And failzeing of the ſaid *G.* by deceaſe, (without Heirs of his body, or Aſſignation made by him of his ſaid Portion after Majority as ſaid is) the Sum of 2000 Merks thereof, to the ſaid *N. D.* and to his Heirs and Aſſigneys above-ſpecified, and the other 2000 Merks of the ſame to the ſaid *J. D.* my eldeſt lawful Son and his foreſaids, and failzeing of the ſaid *J. D.* my eldeſt lawful Son by deceaſe without Heirs-male of his Body, ſo that the ſaid *W. D.* my ſecond Son ſhall ſucceed me in my Lands and Eſtate, then and in that caſe, the ſaid Portion of 8000 Merks now provided to the ſaid W. D. to be payed as follows. *viz.* 5000 Merks thereof to the ſaid *N. D.* and to his Heirs and Aſſigneys above-ſpecified, and the other 3000 Merks of the ſame to the ſaid *G. D.* and his foreſaids, and all the ſaids Portions to be payed to the ſaids Children and their foreſaids; and failzeing of any of them (and in the reſpective caſes) to the other perſons above-named ſubſtitute by me therein in manner above-ſpecified, and their foreſaids, with the Sum of 1000 *libs.* Money foreſaid of liquidat Expenſes for each of the ſaids Sums of 8000 merks, in caſe of not Payment, and the Sum of 600 pounds Money foreſaid of liquidat Expenſes for the ſaid Sum of 5000 merks incaſe of not Payment, and the Sum of 400 merks Money above-ſpecified for

each of the ſaids Sums of 4000 merks in caſe of not Payment and that by and attour & over and above the ſaids reſpective Portions of the ſaid haill principal Sum, according to the diviſions above-written and together therewith, together alſo with the due and ordinar Annualrent and Profit of the ſaid principal Sum, (according to the reſpective Portions and Proviſions above-ſpecified,) conform to the Act of Parliament (made or to be made anent Annualrents,) and that yearly, termly and continually during the not Payment thereof, after the ſaid term or time appointed for Payment of the ſame; and notwithſtanding of the foreſaids Portions and Proviſions granted by me to my ſaid younger Children, and Subſtitution and Deſtination above-mentioned, in the reſpective caſes above expreſt, yet it is hereby expreſly provided and declared, that it ſhall be ſtill leiſum and lawful to me (and in my power) at any time in my life-time (*etiam in lecto ægretudinis, & in articulo mortis*) to diminiſh and leſſen the ſaids Portions, or to alter and augment the ſame, (if by the deceaſe of any of the ſaid Male Children before Majority, or failzieing of my eldeſt Son of the ſaid *W*, my ſecond Son ſucceed as ſaid is, or by the deceaſe or not marriage of any of the ſaids Females, or being married, that they or any of them ſhall happen to deceaſe within year and day without a living Child procreat in the Marriage,) any benefit fall by the Subſtitution and former Deſtination made and appointed by me in manner foreſaid, and that by a Writ apart under my own Hand, ſignifying my pleaſure (as to any ſuch Diminution, Augmentation, or Alteration,) and which Paper or Writ apart under my Hand, I hereby will, appoint and declare, to be als valid and ſufficient, and of als great force, ſtrength and effect, to all intents and purpoſes, as by the tenor hereof it had been ſo expreſly done and ſet down, albeit not ſo done, whereanent I for me and my Heirs, Executors, and Children aforeſaid, have diſpenſed, and by thir Preſents diſpenſes for ever, and with and under the which expreſs Proviſion, Declaration, Power and Faculty thir preſents are granted and accepted, and no otherways; and furder I hereby will and declare, that the foreſaids Portions and Proviſions as they now are, (or be my ſaid Writ apart may be augmented, diminiſhed, or altered as ſaid is,) are and ſhall be to my ſaid younger Children, in full contentation, and plenary ſatisfaction of all former Proviſions made by me to them, by Bonds of Proviſion, Teſtament, or any other Writ, and of all Executry, Legacy, Portion-natural, Bairns-part of Gear, & what elſe they may ask, ſeek, or crave by or through my deceaſe when the ſame ſhall happen, (reſerving my own good will allanerly.) And laſtly, I hereby declare, that the not delivery of this Bond of Proviſion to my ſaid Children in my own lifetime, but that the ſame remain by me and in my cuſtody, or given to my Wife, or other Freind, for their uſe, ſhall be no nullity or ground of Reduction, Declarator or other Action of Law, whereupon to reduce, quarrel, impugn, or bring the ſame in queſtion in the leaſt, and diſpenſes therewith, and renounces and diſcharges the ſame in favours of my ſaid younger Children, and their foreſaids, for ever, and appoints, ordains and wills the ſame to be als valid, firm and ſure an Evident to them, as if actually delivered by me to them in my own lifetime, yea at the granting hereof, but prejudice always (and nevertheleſs) to me of the benefit of the ſaid Proviſion, Declaration, Power and Faculty conceived in my own favours, and reſerved to my ſelf perſonally during my lifetime, in manner and in the terms above-expreſt. Conſenting thir Preſents be Regiſtrat, *&c.*

Nota, *Other Parents, not having ſuch a competent perſonal Eſtate as may provide their younger Children, (but withall an opulent real Eſtate,) and not judging it ſafe or convenient to have their Portions depend ſimply upon a perſonal Security, leſt it prove* in fine *a ground of Appryſing or Adjudication*

Adjudication againſt the Heir, through bad and untimeous payment of Annualrents, or principal Sum, (and thereby creat Animoſities and breach of Brotherly-Kindneſs betwixt them and their elder Brother and vice Parent, who ſhould rather do them duty and protect them, than ſuffer them to want or oblige them to Legal Diligence,) therefore (and to put Matters out of Queſtion,) the Father grants a Bond (and probably in the Terms of the preceeding Stile or the like,) and for their farder Security (and but hurt or derogation to the perſonal Obligation or Innovation thereof in any ſort, but in further Corroboration of the ſame, *accumulando jura juribus*) he obliges himſelf, his Heirs and Succeſſors, to Infeft and Seale them, their Heirs and Aſſigneys in the terms of the Bond, whilks failzieing, to the other perſons ſubſtitute, and their Heirs and Aſſigneys, according to the diviſion in the ſaid Bond, in ſuch and ſuch Lands, &c. *which Stile I omit, but refer you to the Stile of the Heretable-Bond (being the ſecond) in this fifth Part of the Syſtem of Stiles*, Page 698, *Only remember*, 1. *That in this (being an Heretable Security conceived in favours of ſeveral Children) (whereas the former to which ye are referred, is but in favours of one perſon,) ye muſt in the Obligement to Infeft, Procuratory of Reſignation, Warrandice, Aſſignation to the Writs and Evidents, (if ſuch be inſert,) Mails and Duties, Reverſion, Requiſition, and Precept of Seaſin,) always ſay*, ilk one of them for their own parts, as ſaid is; *and the reaſon of the differ is clear, becauſe of the greater and leſſer Portions.* 2. *Remember, that immediatly before the Clauſe of Regiſtration, ye inſert the Faculty reſerved by the Father to himſelf; and ſhould ye inſert the ſame (and rather) in the Procuratory of Reſignation, immediatly before Acts, Inſtruments and Documents* ad longum; *and thereafter, all alongſt, but generally (thus) with and under the expreſs Condition, Proviſion, Power and Faculty above-mentioned, ye do better and ſo I practiſe.*

Some Parents in Heretable-Bonds of Proviſion of Children inſert Reverſions, by which the Lands are redeemable at any term by the Heir, but no Requiſition for the Money, an act (ſo unreaſonable) I could never yet comprehend; for as to the Males, it precluded them of Trades; and what Vertuous, whereas were they Maſters of their Portions, their Fortunes by the bleſſing of God might have amounted to an higher pitch than that of the eldeſt, and ſhould the Eſtate fall low (by a courſe of Providence,) a younger Son might prove a Support to and a Mean to preſerve it. And a Bunch of Arrows, not ſo eaſily broke as one by one, which may be done with leſs difficulty; and Unity in a Family is a great Cement and Bleſſing of God, and not the ſmalleſt Prop to perpetuat the ſame. And in the next place, as to the Females, there is als little (if not leſs) reaſon to have their Portions without Requiſition, becauſe it may prove a ſtop to their better Fortune in Marriage; for a Gentleman may have a good Fortune, and yet in ſome Debt, and ordinarly doer lay ſtreſs upon his Tocher. And to conclude this Point, Whatever a Father gives, (albeit the leſs,) let both the Males and Females be Maſters of it, and that obliges the elder Brother and Heir to be frugal and virtuous.

Another Inconveniency I have ſeen in Bonds of Proviſion, when the Father made the Portions payable only to the Males at their 21 years of Age, and to the Females at their 16, or Marriage; and beſides other Inconveniences that might be inſtanced, I ſum up all in this one, That before theſe years the eldeſt Son contracted Debt, and put all away, (albeit the

Fortune opulent at will,) and the younger Children having no Tutors left them, (but all committed to the elder Brother,) there was no Diligence by Inhibition used, (and which was all that was possible, the Term of Payment not come,) and so the other Creditors Appryſed and Evicted the Fortune, and the younger Children redacted to Poverty; and this might have been obviat at first, by making the Term within year and day after the Fathers deceaſe, with Annualrent from the deceaſe to the Term, and thereafter during the not Payment, or notwithſtanding of the years (to which the Payment was ſuſpended,) had it been expreſly provided, that incaſe of not punctual Payment of the Annualrent twice a year, whether Whitſunday *or* Martinmas, *or* Candlemas *&* Lambmas *(as the Father pleaſed,) or in caſe any other perſon uſed Diligence, whether Perſonal or Real againſt the Heir of the Granter, and his Perſon or Eſtate, then it ſhould be lawful to, and in the Power of the younger Children, and their Heirs and Aſſigneys, Tutors and Curators, to uſe the like Diligence within twenty four Hours thereafter, and now as then, and then as now, the Granter of the Bond might have obliged himſelf and Heirs to pay principal Sum, with Annualrent and Expenſes as in the Bond, and that within the ſaid ſpace of twenty four Hours after any ſuch Diligence, or failzour in Payment of Annualrent, notwithſtanding of the years of Suſpenſion above-mentioned; and in this caſe, the poor Children had not loſt their Portions. And albeit the elder Brother had been left Tutor, (or that they wanted Tutor or Curator,) the Lords (upon a true Repreſentation of the Caſe, and the danger they and Portions were in) would have allowed them Tutors (if within the years of Pupillarity,) and if paſt that, the Children might have choſen Curators.*

There are ſeveral other ways how a Parent may provide the younger Children, as by Aſſignations to reſponſal mens Bonds (if ſuch he have,) or if his Executry and other Perſonal Eſtate be of that value, and of free Gear, as may amount to what he intends to confer upon them Patrimonially, he may appoint a Freind or other faithful Truſtee to be his Executor, and give him the Nudum Officium, *and by his Teſtament, Legat to each Child as to him ſhall ſeem good; or there being a Tutor Nominat, may make themſelves Executors, according to their ſeveral Proviſions intended; yea failzieing of any one or moe of them, he may provide the Portion of the perſon or perſons deceaſed, to the ſurviving Children; and ſhould the Executry (I mean Free-Gear after Debt, Funeral Charges, Servant-Fees, Houſe-Mails, and the like, and even Aliment of the Family to the Term firſt deducted,) not amount to what the Father is willing to confer upon the younger Children, he may ſupply the ſame by a Bond of Proviſion affecting the Heir; but this Bond would be in* leige pouſtie, *and not on Death-bed, elſe it will not do, ſo as to affect the Heir or Heretage.*

I have alſo ſeen a Gentleman lend out a conſiderable Sum to another reſponſal perſon, and having many younger Children, took an Heretable-bond to himſelf in Liferent, and to his younger Children (of both Sexes) in Fee, yea in the very Terms and with the very Subſtitution mentioned in the Bond of Proviſion formerly ſet down, and with the ſame Faculty therein expreſt; and as I drew it my ſelf, ſo the Infeftment thereon was expede the Seals in December *1685, and he that is curious may find it at the Chancery or Privy Seal. And ſo I paſs it with this ſhort account, ſeing (by what ſaid) men may provide younger Children with ſafety, and not ſplit upon the foregoing Rocks of long Terms to the payment of Portions,*

(without

(without a ſafe-guard againſt the Inconvenience inſtanced,) or want of Requiſition, or not providing them whilſt in perfect Health, and going to Church and Mercat.

BOND by an Incorporation for a Sum of Money borrowed for the uſe of the ſaid Incorporation, and ſo a publick (not a privat) Debt.

BE it kend to all Men by thir preſent Letters, us *G. W.* Deacon, and *J. W.* Box-maſter of the Fleſhers in the *Cannongate*, *J. A. A. D. W. A. F. N. W. D.* and —— Box-maſters of the ſaid Craft; For our ſelves, and in name and behalf of, and as repreſenting the haill Members and Brethren of the ſaid Craft: Foreſameikle as, *A. C.* his Majeſties Maſter Sclater, as at our earneſt deſire and requeiſt, Advanced, Payed and Delivered to us (towards the furniſhing and compleating of our new Mercat-place in the *Cannongate* in Timber and Sclate, viſibly tending to our perpetual Beeing, and ſubſiſtance of our Calling) all and haill the Sum of —— uſual Money of this Realme, whereof we (for our Selves and our Succeſſors in the ſaid Craft and Incorporation) hold us well content, renunce all Exceptions in the contrary; and diſcharges the ſaid *A. C.* his Heirs and Executors of the ſame for now and ever. *Therefore* wit ye us to be bound and obliged, likeas we by thir preſents, faithfully bind and oblige us, conjunctly and ſeverally, and our Succeſſors in Place and Office, and the ſaid Craft and haill Members and Brethren thereof, thankfully to content, pay, and again deliver the ſaid Sum of —— Money foreſaid, truely advanced to us, and applyed for the uſe and behove of the ſaid Croft as ſaid is) to the ſaid *A. C.* and *B. H.* his Spouſe, the longeſt lever of them two in Conjunct-fee and Liferent, and to the Heirs and Bairns lawfully procreat, or to be procreat betwixt them, which failzeing to the ſaid *A. C.* his other Heirs and Aſſigneys whatſomever (ſecluding Executors) and that betwixt the date hereof and the Feaſt and Term of *M.* 1678 years, or at any time or Term thereafter they pleaſe (yea at any Term of *W.* or *M.* before, then in caſe we faill in punctual payment of Annualrent in manner after-mentioned) with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie; And however the payment of the ſaid Principal Sum be in kindneſs ſuſpended to the ſaid Term of *M.* 1678 (without the benefit thereof be contraveened in manner under-written) yet we hereby bind and oblige us and our foreſaids, and the ſaid Craft and Incorporation, conjunctly and ſeverally in manner foreſaid, to content and pay to the ſaid *A. C.* his ſaid Spouſe, and their foreſaids (in Liferent and Fee *reſpective*) the due and ordinar Annualrent and Profit of the ſaid principal Sum yearly, at two Terms in the year *W.* and *M.* by equal Portions, beginning the firſt Terms payment of the ſaid Annualrent, at the Term of *W.* next (for the Term immediatly preceeding) and ſo furth yearly and termly thereafter, at the ſaids Terms, and by equal Portions as ſaid is, during the not payment of the ſaid principal Sum, with the Sum of —— Money foreſaid for ilk Terms failzie in not payment of the ſaid Annualrent (in caſe thereof) and that by and attour the ſaid Annualrent and together therewith, but prejudice always to the ſaid *A. C.* his ſaid Spouſe, and their foreſaids (in Liferent and Fee *reſpective*) to ſuit Execution for the ſaids Sums at the ſaid Term appointed for that effect, or at any other Term or Time thereafter they pleaſe (yea at any Term before the ſaid Term of payment, in caſe of not termly payment of Annualrents, in manner above-expreſt (likeas we hereby renunce in their favours the benefit of the Act of Retention of one of ſix of the Hundred of the ſaids Annualrents, and all other

Acts of that Nature, or Acts ſuſpending the payment of principal Sums, made or to be made within this Kingdom; And it is hereby declared that the foreſaid Sum of —— provided to the ſaid *B. H.* in Liferent, and to the Heirs and Bairns of the Marriage betwixt her, and the ſaid *A. C.* as ſaid is, is, and ſhall be to them in Implement of the meiting to her Tocher, whereunto the ſaid *A. C.* is obliged by the Contract of Marriage paſt betwixt them *pro tanto* And for the more Security, we are content and conſent thir preſents be inſert and regiſtrat, *&c.*

Another Bond of the ſame Nature by an Incorporation, but of a different Stile.

WE *R. P.* preſent Deacon, *W.* R. preſent Box-Maſter, *J.* D. W. *B. T. L. G. R. R. L. J.* W. *N. M. G. C. J. B. J. H. R. P. J. C.* and *J. M.* all preſent Maſters and Brethren of the Incorporation of the Cordiners of the *Cannongate*, by thir preſents grants us to have borrowed and received (for the uſe and behove of the ſaid Trade and incorporation) from *S. Z.* Relict of umquhil *J. S.* Skipper in *Leith*, all and haill the Sum of — *Scots* Money, whereof we grant the Receipt, hold us well Content, Satisfied and payed, renunce the Exception of not numerat Money, and all other Exceptions and Objections of the Law whatſoever, that can be proponed or alledged in the contrair, and diſcharge her and her Heirs, Executors, and all others whom it effeirs, of the ſame for now and ever; Whilk Sum of —— Money foreſaid (with the due and ordinar Annualrent thereof, from the Term of L. laſt by-paſt, to the Term of payment underwritten) we for our ſelves, and taking Burden in and upon us for the remanent Maſters and Brethren of the ſaid Trade and Incorporation) by thir preſents bind & oblige us and our Succeſſors in Place and Office, and Lands and Heretages pertaining & belonging to the ſaid Incorporation, thankfully to content pay and again deliver to the ſaid *S. Z.* ſhe being on Life, and failzeing of her by deceaſe to *J. S.* her Son, and to his Heirs and Aſſigneys (ſecluding Executors) and that betwixt the date hereof and the Feaſt & Term of *C.* next to come, in the year —— but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of failzie, (attour the ſaid principal Sum, and together therewith) together alſo with the due and ordinar Annualrent of the ſaid principal Sum, conform to the Act of Parliament and Laws of this Kingdom, and that yearly, termly, quarterly and proportionally, ay and ſo long as the ſaid principal Sum ſhall happen to remain unpayed after the term of payment above-written, but prejudice always to them to ſute Execution hereupon, for payment of the ſaid Sums at the ſaid Term of payment, or at any other term or time thereafter they pleaſe, without any Premonition or Requiſition to be made by them for that effect, reſerving always full Faculty and Power to the ſaid *S. Z.* at any time during her lifetime, to Uplift, Receive and Diſcharge, or to Aſſigne and Diſpone upon the foreſaid principal Sum, Annualrents and Expenſes to any perſon or perſons (as ſhe ſhall think fit) without conſent of the ſaid *J. S.* her Son, or his foreſaids, or of their Tutors or Curators, albeit Minors for the time, had or obtained for that effect, ſicklike, and as freely in all reſpects, as the ſaid *J. S.* his Name had never been inſert in this preſent Bond, but that thir preſents had been taken by the ſaid *S. Z.* in her own name, and the ſaids Sums ſimply and abſolutly payable to her ſelf, her Heirs and Aſſigneys: *The Clauſe of Regiſtration follows.*

CONTRACT

CONTRACT of Wadſet, (being a proper Wadſet) containing Real Warrandice in other Lands as well as abſolute Warrandice, Clauſe of Requiſition, and other Clauſes in good form.

AT —— the —— day of —— —— years, It is Appointed, Contracted, finally agreed and ended betwixt the Parties following. *They are to ſay,* The right worſhipful *S. A. A.* of *G.* Knight, heretable Proprietar of the Lands and others after-ſpecified (both Principal and Warrandice) with the Pertinents, with conſent of *D. H. M.* his Spouſe, for all right of Liferent, Terce, or others whatſoever whilks ſhe has or may pretend thereto, and the ſaid *D. H. M.* for her ſelf, her own Right and Intereſt, with conſent of her ſaid Husband, and both of them with one Conſent and Aſſent; and he taking Burden in upon him for her, to the effect after-mentioned, on the one part, and *G. S.* Advocat, and *M. S.* his ſpouſe, and them both with one conſent and Aſſent on the other part in manner following; *That is to ſay,* Foreſameikle as the ſaid *G. S.* has inſtantly advanced, payed and delivered to the ſaid *S. A. A.* (for out-reading of his lawful and neceſſary Affairs, and Relief and payment of his Debts and Burdens *pro tanto*) all and haill the Sum of —— good and uſual Money of this Realm (2) Whereof the ſaid *S. A. A.* with conſent of his ſaid Spouſe, and both of them with one conſent hold them well content ſatisfied and payed, and for them their Heirs and Executors exoner and Diſcharge the ſaid *G. S.* and his ſaid Spouſe, their Heirs and Executors, and all others whom it effeirs of the ſamen, (renuncing the Exception of not numerat Money, and all other Exceptions and Objections of the Law whatſoever, that may be proponed or alledged in the contrair thereof) for now and ever. *Therefore* the ſaid *S. A. A.* with conſent foreſaid of the ſaid *D. H. M.* his Spouſe, and the ſaid *D. H. M.* for her ſelf (for all Right of Liferent, Terce or others whatſoever, which ſhe has or may claim or pretend to the Lands and others under-written (both Principal and Warrandice) with the Pertinents, with conſent of her ſaid Husband for his Intereſt, and they Both with one Conſent and Aſſent; and he taking Burden in and upon him for her, to the effect after-expreſt: Have Sold, Annalzied and Diſponed, and by thir preſents Sell, Annalzie and Diſpone to the ſaid *G. S.* Advocat, and the ſaid *M. S.* his Spouſe, the longeſt Liver of them two in Conjunct Fee and Liferent; and to the Heirs lawfully gotten or to be gotten betwixt them in Fee; Which failzeing to the ſaid *G. S.* his other Heirs and Aſſigneys whatſomever heretably, with and under the Condition of Reverſion, and other Proviſions and Reſervations after-ſpecified, in manner after-mentioned) all and haill the ſaid *S. A. A.* his Lands of A. and —— called —— with the Mannor-places, Houſes, Biggings, Yards, Orchards, Dove-coats, Cunningares, Fiſhings, Parts, Pendicles, Annexes, Connexes, Dependencies, Tofts, Crofts, Out-ſets, and all their Pertinents lying in the Parochin of *T*, Regality of *S.* Conſtabulary of *H.* and Sheriffdom of *E.* and all and haill the Kirk-Lands of ——with the Houſes, Biggings, Yards, *&c.* and all their Pertinents whatſoever lying within the Town and Territory of *A.* Lordſhip, Barony, Regality, Conſtabulary, and Sheriffdom foreſaid, with Advocation, Donation, and Right of Patronage of the Parſonage and Viccarage of the Kirk of ——, Teinds, Parſonage and Viccarage thereof, and all Profits and Commodities of the ſamen (reſerving to the ſaid *S. A. A.* and his ſaid Spouſe, and their Heirs and Aſſigneys furth of the ſaid Diſpoſition four Acres of —— belonging to the Links of ——) together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion *Petitor*

Poſſeſſor, Whilks the ſaid *S. A. A.* and the ſaid *D. H. M.* his Spouſe, their Heirs and Succeſſors had, have, or any ways may have, claim or pretend thereto; or to the Mails and Duties thereof, Stock and Teind, and that in ſo far allannerly as my be extended to 12 Chalder Victual yearly, whereof —— Chalders, —— Bolls, —— Furlets Wheat, and —— Chalders of Oats free of all Feu, and Teind Duties, Miniſters Stipends, Ceſs, and other Burdens and Impoſitions whatſoever, and by and Attour the Manner-place of *A.* Houſes, Biggings, *&c.* thereof and Paſturages of an Horſe and a Cow to the ſaid *G. S.* his ſaid Spouſe and their foreſaids on the ſaids Lands of A. and that as for the principal, and all and haill the Lands of *S.* with the Tower, Fortalice, *&c.* and all Pertinents thereof, Priviledges and Commodities (as well by Sea as by Land) within the old Bounds, Marches and Meiths of the ſame; Together with Priviledge and Liberty in the Mure of *T.* for paſturage of Goods, and winning of Divots, and other Duties pertaining to the ſaid Comonty, and other Pertinents thereof lying within the Lordſhip and Barony of —— and Sheriffdom of —— and that in Reall and Special Warrandice and Security to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, of the ſaids Lands, Teinds, and others principally above-diſponed, with the Pertinents; ſo that if it ſhall happen the ſamen, or any part thereof to be evicted from the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, (through default or defect of the Rights thereof, or through, or by any Deed of the ſaid *S. A. A.* or his Predeceſſors and Authors,) then and in that caſe, the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, ſhall have full and free regreſs, ingreſs, and acceſs in and to ſo much of the ſaids Lands immediatly above-written, (diſponed in Warrandice as ſaid is,) as will correſpond and be equivalent (in quantity, quality, and yearly-duty) to the ſaid principal Lands, or any part thereof that ſhall happen to be evicted in manner foreſaid; and immediatly after the ſaid Eviction, it ſhall be lawful to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, to enter to the ſaids Lands diſponed in Warrandice, and to the uplifting of the Duties thereof (at leaſt of ſua meikle of the ſamen as ſhall be equivalent to the ſaid Eviction) *brevi manu*, at their own Hands, without any neceſſity of Warning or Declarator to follow thereupon, and without any peril of ejection, intruſion, or others, to be incurred by them there-through, (renuncing and diſcharging the ſamen for ever,) during the not redemption thereof by vertue of the Reverſion after-ſpecified. And the ſaid *S. A. A.* (with conſent of his ſaid Spouſe, and he taking burden on him for her as ſaid is) by thir Preſents, binds and obliges him, his Heirs and Succeſſors, with all convenient diligence, (next after the date hereof,) duely and ſufficiently to Infeft and Seaſe by Charter and Seaſin *titulo oneroſo*, in due and competent Form, the ſaid *G. S.* and his ſaid Spouſe, the longeſt liver of them two, in Conjunct-fee and Liferent *reſpectivè*, and the Heirs lawfully gotten or to be gotten betwixt them, whilks failzieing, the ſaid *G. S.* his other Heirs and Aſſigneys whatſoever, Heretably (under Reverſion, in manner after-mentioned,) in all and haill the foreſaids Lands, *&c.* and others above-diſponed, with the Pertinents (Principal and Warrandice) lying as ſaid is, (and excepting and reſerving in manner foreſaid, and in ſo far as may be extended to the foreſaid free Rent of 12 Chalders Victual, by and attour the Mannor-Place of *A*, and Paſturage of an Horſe and Cow on the Lands of —— in manner above rehearſed,) and that by two ſeveral Infeftments and manner of Holdings, the one thereof to be holden of the ſaid *S. A. A.* his Heirs and Succeſſors, in manner *reſpectivè* following, *viz.* the one equal half of the ſaids Lands of *A*, with the Lands called *S*, with the Pertinents, in Feu-farm and Heretage, for Payment of ten Shilling *Scots* Money yearly, at two Terms in the year, *Whitſunday* and *Martinmas*, by equal Portions, (in name of Feu-farm,) and the other equal half of the ſaids Lands of ——, and remanent other Lands,

and

and others above-written, with the Pertinents, to be holden of the ſaid S. *A. A.* and his foreſaids, in free Blenſh-farm, for payment of an Penny *Scots* Money, upon the Ground of the ſaids Lands yearly, at the Feaſt of *W*, (in name of Blenſh-farm) if it be asked allanerly; and the other of the ſaids Infeftments, to be holden from the ſaid S. *A. A.* and his foreſaids, of his immediat lawful Superiors thereof, als freely in all reſpects as they hold or may hold the ſame themſelves, and that either by Reſignation or Confirmation, as beſt ſhall pleaſe the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, (the acceptation of the one of the ſaids Infeftments to be no ways prejudicial to the other,) and for that effect, to make, grant, ſubſcribe and deliver to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, ſufficient Diſpoſitions containing Procuratories of Reſignation, Charters containing Precepts of Seaſin, and other Securities requiſit and neceſſar for infefting and ſecuring them in the ſaids Lands, Teinds, Mannor-Place, and others above-diſponed, with the Pertinents, (both Principal and Warrandice, and reſerving as ſaid is, containing ample Clauſe of Warrandice, and other Clauſes needful, in ſuch ample, due and competent Form as accords, the paſſing and expeding of the Securities and Infeftments, and obtaining the Superiors conſent and confirmation, to be always upon the proper Moyen, Charges and Expenſes following, *viz.* two part thereof on the Charges of the ſaid S. *A. A.* and the other third part of the ſame on the ſaid *G. S.* his Charges,) and for the better obtaining of the foreſaid Infeftment by Reſignation, (but prejudice of the foreſaid other Infeftment above-written,) the ſaid S. *A. A.* with conſent of the ſaid D. *H. M.* his Spouſe, and ſhe for her ſelf, with his conſent, and both of them with one conſent and aſſent, and he taking Burden in and upon him for her (to effect after-ſpecified,) have made, conſtitute and ordained, and by thir Preſents, make, conſtitute and ordain ——, and ilk one of them, conjunctly and ſeverally, their very lawful, undoubted and irrevocable Procurators, Actors, Factors, and ſpecial Errand-Bearers (to the effect after-mentioned,) giving, granting and committing to them, conjunctly and ſeverally as ſaid is, their very full, free, plain Power, Expreſs-Bidding, Mandat and Charge, for them, in their Name, and upon their behalf, to compear before the reſpective lawful Superiors of the ſaids Lands, and others above-diſponed, with the Pertinents (both Principal and Warrandice,) or their Commiſſioners in their Names, having their Power, to receive Reſignations, and thereupon to grant new Infeftments, any day and place lawful and convenient, and there with all due humility, and condign reverence, as becomes, purely and ſimply by Staff and Baſton as uſe is, to reſign, ſurrender, over-give and deliver, likeas the ſaid S. *A. A.* and his ſaid Spouſe, (both with one conſent and aſſent foreſaid, and taking burden as ſaid is,) by thir Preſents, reſign, ſurrender, over-give and deliver, *all and haill* the ſaid S. *A. A.* his Lands of *A*, and —— called ——, with the Mannor-Place, (*here take in all the Lands and others, as in the diſpoſitive Clauſe, with the Reſervation, and then ſay*) and that as for the Principal, and all and haill the Lands of *S*, with the Tower, Fortalice, *&c.* (*here take in all relating to the real Warrandice Lands alſo, as in the diſpoſitive Clauſe, and they ſay*) and that in real Warrandice and Security to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, of the ſaids Lands, Teithes, and others, principally above-diſponed, with the Pertinents, ſo that if it ſhall happen the ſame (or any part thereof) to be evicted from the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, (through default or defect of the Rights thereof, or through, or by any Deed of the ſaid S. *A. A.* or his Predeceſſors and Authors,) then and in that caſe, the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, ſhall have full and free regreſs, ingreſs, and acceſs in and to ſo much of the ſaids Lands immediatly above-written, (diſponed in Warrandice as ſaid is,) as will correſpond and be equivalent (in quantity, quality and yearly-

duty,) to the ſaid principal Lands, (or any part thereof that ſhall happen to be evicted in manner foreſaid, and immediatly after the ſaid eviction, it ſhall be lawful to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, to enter to the ſaids Lands diſponed in Warrandice, and to the uplifting of the Duties thereof, at leaſt of ſo much of the ſame as ſhall be equivalent to the ſaid Eviction, *brevi manu*, at their own hand, without any neceſſity of Warning or Declarator to follow thereupon, and without any peril of Ejection, Intruſion, or others to be incurred by them there-through, renuncing and diſcharging the ſame for ever, during the not Redemption thereof, by vertue of the Reverſion after-ſpecified, in the Hands of the ſaid *S. A. A.* his lawful Superiors above-mentioned or their Commiſſioners aforeſaid, in favours and for new Infeftment of the ſame, (as Principal, and in real Warrandice *reſpective*,) to be made and granted to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, in Liferent and Fee *reſpective*, and Heretably, and under Reverſion as ſaid is, (and with and under the Exception and Reſervation above-expreſt,) to be holden of the ſaids Superiors, in ſuch due and competent Form as accords, Acts, Inſtruments and Documents, *&c.* and generally, *&c.* promiſing to hold firm and ſtable, *&c.* (*as in former Procuratories of Reſignation, and then ſay*) and whilks Infeftments *reſpective* above-written, (and either of them,) ſhall bear and contain this expreſs Clauſe of Warrandice following, likeas (now as if the ſaids Infeftments, and either of them were already made and paſt, and then as now) the ſaid *S. A. A.* with conſent of his ſaid Spouſe, binds and obliges him & his foreſaids, to warrand, acquit and defend the ſaids Infeftments, (and either of them,) and Lands and others *reſpective* particularly above-diſponed, with the Pertinents, (both Principal and Warrandice,) to be ſufficient, free, ſafe and ſure to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, from all and ſundry Wards, Releifs, Non-entries, Marriages, Eſcheats, Liferents, Forfeitures, Recognitions, Diſclamations, Purpreſtures, Baſtardies, Laſt-Heir, Inhibitions, Interdictions, Appryſings, Adjudications, Conjunct-fees, Life-rents, Ladies Terces, Annualrents, former Alienations, privat and publick Infeftments, Reverſions, Renunciations, and Grants of Redemption, Tacks, Aſſedations long or ſhort, Reductions of Infeftments, Services and Retours, Nullities, and from all and ſundry other Perils, Burdens, Dangers, Inconveniencies, and grounds of Eviction whatſomever, alſwell not named as named, by-gone, preſent as to come, whilks may any ways ſtop, trouble or impede the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, in the peaceable Poſſeſſion of the ſaids Lands and others above-diſponed, with the Pertinents, during the not Redemption thereof after-ſpecified, at all hands and againſt all deadly as Law will, and to purge the ſame of all Inhibitions, Appryſings, Adjudications, Infeftments, Annualrents, and other real Burdens being thereupon, and wherewith the ſame ſtands any ways affected in any ſort, in manner *reſpective* following, *viz.* to purge the ſaids principal Lands betwixt and the Term of *M.* next, and the ſaids other Lands diſponed in real Warrandice thereof, betwixt and the firſt day of *June* 1660 years, but longer delay, (eſpecially ſuch real Incumbrances as ſhall be condeſcended upon by the ſaid *G. S.* or his foreſaids, betwixt and the time foreſaid,) and for that effect, ſhall employ the firſt and readieſt of the ſaids Sums (now payed and advanced to him by the ſaid *G. S.*) for purging of the ſaids Lands of the Burdens wherewith the ſame ſtands any ways really affected in manner foreſaid; and it is hereby declared, that the foreſaid perſonal and abſolute Warrandice, ſhall be no ways prejudicial to the real Warrandice above-written, nor the real to the perſonal and abſolute, but that it ſhall be ſtill lawful to, and in the Power of the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, to make uſe of both, or either of them, either conjunctly or ſeverally (the one but prejudice of the other,) for their Security of the ſaids

Lands

Lands and others foreſaids, at their pleaſure, and in their option, in time coming, during the not Redemption, by vertue of the Reverſion after-mentioned. *Providing* always, likeas it is hereby ſpecially provided and declared, that if any Action of Eviction of the ſaids Lands and others foreſaids, ſhall at any time hereafter happen to be intented againſt the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, (whilks may any ways infer Warrandice againſt the ſaid *S. A. A.* and his foreſaids) that then and in that caſe the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, ſhall be holden and obliged, (and by thir Preſents bind and oblige them) to make due and lawful Intimation of the ſaids Actions of Eviction, to the ſaid *S. A. A.* and his foreſaids, perſonally, or at their dwelling-places, and in Supplement thereof (if they be then abſent furth of the Kingdom,) at the Mercat-croſs of *Edinburgh*, Pear and Shoar of *Leith*, in preſence of an Nottar and Witneſſes, as effeirs, and that before any Litiſcontеſtation be made in the ſaids Actions of Eviction, to the effect the ſaid *S. A. A.* and his foreſaids may appear and concur in the Defence thereof, as accords. And whatever Charges and Expenſes the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, ſhall happen to expend and diſburſe in the Purſuit or Defence of the Right of the ſaids Lands,) the ſaid *S. A. A.* binds and obliges him and his foreſaids, to repay the ſame to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, (conform to a particular Accompt thereof to be given in by them to the ſaid *S. A. A.* and his foreſaids, upon their honeſt Word and Credit,) and for the better Purſuit and Defence of the ſaids Actions, the ſaid *S. A. A.* by thir Preſents, binds and obliges him and his foreſaids, to exhibite and make furth-coming to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, the haill Contracts, Diſpoſitions, Charters, Seaſins, Retours, Procuratories, and Inſtruments of Reſignations, Tacks and Rights of the Teinds, and other Writs, Evidents, Rights, Titles and Securities whatſomever, whilks the ſaid *S. A. A.* has or ſhall obtain made to him or his Predeceſſor and Authors, of upon, or concerning the ſaids Lands and others above-mentioned, and that at all occaſions needful when-ever the ſaid *G. S.* his ſaid Spouſe, and their foreſaids ſhall have neceſſarly to do therewith, and that upon Inventar, (mutually to be ſubſcribed there-anent by both the ſaids Parties,) bearing an Obligement upon the part of the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids, for redelivery of the ſaids Writs and Evidents to the ſaid *S. A. A.* and his foreſaids, (after diſcuſſing and clearing of the ſaids Actions and Cauſes;) *Excepting* always furth and from the ſaid Perſonal Warrandice above-written, an Tack and Aſſedation made and paſt (by way of Contract) betwixt the ſaid *S. A. A.* on the one part, and *J. K.* in the *A.* of *N. D.* on the other part, of the date the —— day of —— —— years, whereby the ſaid *S. A.* ſet in Tack and Aſſedation to the ſaid *J. K.* his Heirs and Aſſigneys, the Lands and Mains of *A.* with three Chalders on the Weſt-ſide of the Cloſs thereof, (*here were the reſt, ſet, inſert, and then*) *Reſerving* furth of the ſaid Tack the Mannor-Place of *A.* with the —— adjacent thereto, and the foreſaid four Acres of the Links, belonging to ——, and Paſturage of ——, for the ſpace of —— Years and Cropts after his entry thereto, which was and begun at —— —— years, for payment yearly to the ſaid *S. A. A.* and his foreſaids, (or any other having his Power,) of the number and quantity of ——, extending to ——, and according to the Mercat-meaſure of ——, during the ſaid ſpace of ——, beginning the firſt years Payment betwixt —— and ——, and ſo furth yearly thereafter during the ſaid Tack, & the ſaid *J. K.* obliged him and his Heirs, upon their own Horſes and Charges, to carry the ſaid Victual to ——, (or any of the ſaids Places as they ſhould be required,) and to Teil, Labour, *&c.* (*here the manner thereof, and how gooded inſert*) the ſaids —— belonging to the ſaid *S. A. A.* and reſerved furth of the ſaid Tack during the ſpace thereof, the ſaid *S. A. A.* and his foreſaids furniſhing them a Shearer yearly

in Harveſt, and to leave the Straw and Fodder of all ſorts of Grain that ſhould grow upon the ſaids Lands of the —— the laſt year of the ſaid Tack, and to pay —— in caſe of failzie, attour Performance, in manner ſpecified in the ſaid Tack, and whereunto the foreſaid Warrandice ſhall no ways be extended: *In reſpect whereof* the ſaid *S. A. A.* has made, conſtitute and ordained, and by thir Preſents, makes, conſtitutes and ordains the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids, in Liferent and Fee *reſpective*, his Ceſſioners and Aſſigneys, in, and to five Chalders Victual of the ſaid Tack-duty, of the ordinary Meaſure of ——, (whereof an Chalder Wheat, an Chalder Bear, and three Chalder Oats,) and that of the Cropt and Year ——, payable betwixt *Yule* and *Candlemas* 1657, and in and to twelve Chalder Victual of the ſaid Tack-duty of the ordinary Mett and Meaſure foreſaid, (whereof nine Chalders Wheat aud Bear, and three Chalders Oats,) and that of the Cropt and Year of God 1657, payable betwixt *Yule* and *Candlemas* 1658, and haill Cropts and Years thereafter, (during the ſpace of the ſaid Tack,) and after the expiring of the ſaid Tack, (or the ſaid *J. K.* his Removing) to the Mails and Duties of the ſaids Lands, (at leaſt to 12 Chalders Victual thereof, of the quality above-ſpecified, of free Rent,) to be uplifted furth of the firſt and readieſt of the Rents and Duties of the ſaids Lands yearly, of all Cropts and Years thereafter, (during the not Redemption after-mentioned,) and in and to the haill remanent Obligements, Articles and Clauſes of the ſaid Tack, conceived in favours of the ſaid *S. A. A.* and his foreſaids, and to all Action, Purſuit and Inſtance whatſomever competent, or that may be competent to the ſaid *S. A. A.* and his foreſaids thereupon, with all that has followed or may follow upon the ſame; and ſurrogats them in the ſaid *S. A.* his full place thereof for ever, (excepting and reſerving to him and his foreſaids, the foreſaids four Acres of Land belonging to ——, together with the Charity of the ſaid Victual, extending to thirteen Bolls Victual during the ſpace of the ſaid Tack,) providing that the ſame be not uplifted and received by him and his foreſaids from the ſaid *J. K.* and his foreſaids until ſuch time as the foreſaids 12 Chalders Victual, (of the quality above-ſpecified preſently aſſigned to the ſaid *G. S.* his ſaid Spouſe & their foreſaids of free Rent) be firſt uplifted by them, and they compleatly ſatisfied and payed thereof (and before any payment to the ſaid *S. A. A.* and his foreſaids: It is always hereby provided and declared, that the Exception of the foreſaid Tack (out of the ſaid Warrandice) ſhall infer no Ratification or Approbation thereof, but that it ſhall be ſtill leiſum and lawful to, and in the Power of the ſaid *G. S.* his ſaid Spouſe and their foreſaids, to Reduce, Quarrel and Impunge the ſame upon whatſoever Grounds competent to them of the Law, which may not infer Warrandice againſt the ſaid *S. A. A.* and his foreſaids; And farder the ſaid *S. A. A.* by thir preſents, binds and obliges him and his foreſaids preſently to make the Mannor-place aud Houſe of *A.* water-tight and wind-tight, and to build up the Slaps and Breaches of the Yards and Dykes, and to put ſufficient Doors, Locks and Keys thereon, and inſtantly to enter the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, to the Actual, Real, Void and peaceable Poſſeſſion of the ſaid Mannor-place of *A.* and Yards thereof, and remanent Houſes and Biggings of the ſame (at leaſt ſo much thereof as is not ſet in Tack to the ſaid *J. K.*) to be peaceably poſſeſt, bruiked and joyſed by them, during the not Redemption of the ſame; Likeas it is hereby declared that it ſhall be lawful to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, to enter thereto *brevi manu*, without any Peril of Ejection or Intruſion to be incurred by them therethrough, whilk the ſaid *S. A. A.* for him and his foreſaids renunces and diſcharges in their favours forever; And the ſaid *G. S.* and his ſaid Spouſe, bind and oblige them and their foreſaids, to leave the ſaids Houſes and Yards in as good Caſe at the Redemption thereof, and their removing

there-

there-from as they are at their Entry, unleſs (as God forbid) the ſame be burnt, overturned and deſtroyed, by either publick Calamity, or in a Hoſtile-manner (6) *With full Power* to the ſaid G. S. his ſaid Spouſe and their foreſaids (in Liferent and Fee *reſpectivè*) to intromet with, ask, crave and receive the ſaids Mails and Duties, and others above-aſſigned (reſerving as ſaid is) and to Conveen, Call, Follow and Purſue therefore as accords, and to occupy and poſſeſs the ſaids Lands, Teinds and others foreſaids, or ſet the ſame to Tennents (with conſent of the ſaid S. *A. A.*) as they ſhall think expedient, and to make lawful Warnings thereanent, Decreets one or more (as need bees) in the Premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, Acquittances and Diſcharges to ſubſcribe and deliver, which ſhall be ſufficient to the Receivers, and to do all other things which the ſaid S. *A.* might have done therein himſelf before the making hereof, and ſicklike the ſaid S A. binds and obliges him and his foreſaids to keep the ſaids Lands in ſufficient Tennendry during the not Redemption thereof, whereby the ſaid G. S. his ſaid Spouſe and their foreſaids may be yearly ſatisfied and payed of the ſaid 12 Chalders Victual (of the Quality and Meaſure above-ſpecified) out of the firſt and readieſt of the Rents thereof, free of all publick Burdens, Miniſters Stipends, Feu and Teind Duties, Ceſs, Maintenance, and other Impoſition whatſomever impoſed upon, or due and payable furth of the ſaids Lands and others foreſaids) and whatſoever ſhall be wanting of the ſaid 12 Chalders Victual (of the Meaſure and Quality foreſaid) at the Terms of payment above-ſpecified (through default of the Tennents preſent or to come, or by want of Tennendrie, or by any other manner of way whatſoever) the ſaid S A. binds and obliges him and his foreſaids, to make up the ſame, and make payment thereof, (or Prices of the ſame) to the ſaid G. S. his ſaid Spouſe and their foreſaids (in Liferent and Fee *reſpectivè*) at the Terms of payment above-written, (during the not Redemption after-ſpecified:) And becauſe it is agreed upon betwixt the ſaids Parties, that the ſaids 12 Chalder ſhall be a free Rent to the ſaid G. S his ſaid Spouſe, and their foreſaids in manner above-mentioned; Therefore (and notwithſtanding of whatſomever Laws and Acts of Parliament or other Laws, Statutes and Conſtitutions made or to be made in the contrair thereof, whereanent the ſaid S. A. and his foreſaids diſpenſes for ever) the ſaid S. A. binds and obliges him upon his word of Honour, never to make any uſe thereof in prejudice of this preſent Paction; And the ſaid S. A. binds and obliges him, his Heirs, Executors and Succeſſors, to Warrand, Free, Relieve and Skeithleſs keep the ſaid G. S. his ſaid Spouſe and their foreſaids, of all and ſundry Feu and Blench duties, Taxt-ward, and for Relief and Marriages, Taxations Miniſters Stipends, Communion-Elements, Buildings and upholding of Kirks and Kirk-yard-dykes, Schools and Stipends thereof, Annuities, Taxt, Loan-monies, Monthly-maintenances, Ceſs, Quarterings, Outputing of Levies, and Out-rieks of Horſe and Foot, and of all Pains, Penalties & Fines incurred or to be incurred for not doing thereof, and of all other Stents and Impoſitions whatſoever impoſed upon, or due and payable furth of the ſaids Lands, Teinds, and others reſpective and particularly above-diſponed, with the pertinents, and that of all Cropts, Years, Terms and Months bygone and in time-coming (during the not Redemption) at all hands, having, claiming, or pretending to have Intereſt thereto in any ſort, and ſhall deliver to the ſaid G. S. his ſaid Spouſe, and their foreſaids from time to time ſufficient Diſcharges of the ſaids Duties and Burdens and Impoſitions yearly (or oftner) as they ſhall be required, or elſe ſufficient Tranſumpts thereof; and in caſe the ſaid G. S. his ſaid Spouſe and their foreſaids ſhall be diſtreſſed, diſtrenzied, or quartered upon therefore, and forced to make payment thereof) the ſaid S. A. binds and obliges him and his foreſaids, to make payment to them of the ſame, and

of all the ſaids Quarterings and other Damnages and Intereſt, that they ſhall ſuſtain therethrough, and are content while they be ſatisfied and payed, that they be eiked to the Reverſion after-ſpecified in manner under-written: So that until the ſame be fully payed or conſigned, no lawful Redemption of the ſaids Lands ſhall be repute or holden: And in like manner, ſo long as it ſhal happen the ſaid G. S, his Heirs, to hold the ſaids Lands and others foreſaids of the ſaid S. A. A. and his foreſaids, he binds and obliges him and his foreſaids to enter and receive them and their Heirs ſucceeding to them in the ſaid Right of Wadſet, or any other perſon or perſons whatſoever to whom they ſhall diſpone the ſame *gratis*, freely, but any Compoſition whatſoever, and if any other Caſuality ſhall happen to fall in the hands of the ſaid S. A. A. and his foreſaids (as Superiors) by reaſon of Nonentry, Ward, Liferent-Eſcheat, or otherways whatſomever (except allennarly that it be for proper Debt that ſhall be due by them to the ſaid S. A. and his foreſaids) he by thir preſents binds and obliges him and his foreſaids to aſſign and diſpone the ſame Caſualities reſpective, likeas now (as if the ſame were already fallen out, and then as now) he by thir preſents (*per verba de preſenti*) aſſigns and Diſpones the ſame to the ſaid G. S. his ſaid Spouſe and their foreſaids, alſo gratis freely but any Compoſition, attour the ſaid S. A, with conſent of the ſaid *D. H. M.* his Spouſe, and ſhe for her ſelf with his conſent, and they both with one conſent and aſſent (and he taking Burden on him for her to the effect after-ſpecified) by thir preſents ſets in Tack and Aſſedation (and for the Maill and Duty underwritten letts) to the ſaid *G. S.* and his ſaid Spouſe, and longeſt Liver of them two in Conjunct-fee and Liferent, and to the Heirs lawfully procreat or to be procreat betwixt them in Fee; Whilks failzeing, to the ſaid *G. S.* his other Heirs and Aſſigneys whatſoever heretably, all and haill the ſaids 4 Acres of Land pertaining to the Links of *A.* (reſerved and excepted in manner above-mentioned) with the pertinents, and that for all the Days, Space, Years and Terms of nine years, and nine Cropts next and immediatly following the ſaid *G. S.* his ſaid Spouſe and their foreſaids their entry thereto, which ſhall be and begin at the Separation of the Cropt from the Ground, Cropt and Year 1656. and furder to continue for all years thereafter) ay and while the haill foreſaids Lands and others above-mentioned, be lawfully redeemed, louſed and out-quit, by vertue of the Reverſion after-ſpecified, with free Iſh and Entry thereto, and with all and ſundry other Liberties and Priviledges belonging to the ſame: Which Tack and Aſſedation the ſaid *S. A.* (with conſent foreſaid) by thir preſents binds and obliges him and his foreſaids, to Warrand and Defend to the ſaid *G. S.* his ſaid Spouſe and their foreſaids at all hands, and againſt all deadly as Law will; For the whilk Tack and Aſſedation, the ſaid *G. S.* & his ſaid Spouſe obliges them (and longeſt Liver of them two) and their foreſaids, to make payment to the ſaid *S. A.* and his foreſaids of ſeven Bolls of Bear Victual yearly, beginning the firſt years payment betwixt *Yule* and *Candlemas* 1658 (for the next 1657) years, and ſo-furth yearly thereafter, (while the Iſh and expyring of the ſaid Tack) and to relieve the ſaid *S. A.* at the hands of the ſaid *J. K.* preſent Tennent of a Shearer yearly in time of Harveſt, mentioned in his ſaid Tack in manner above-ſpecified. 8 And on the other part, the ſaids *G. S.* and *M. S.* his Spouſe, and both of them with one conſent and aſſent (and taking Burden on him for her) by this preſents band and obliged them and their foreſaids at the obtaining of the foreſaids Infeftments, to make, grant, ſubſcribe and deliver to the ſaid S. A. A. and *D. H. M.* his ſpouſe, the longeſt Liver of them two in Conjunct-fee and Liferent, and the Heirs male lawfully procreat or to be procreat betwixt them; Whilks failzeing, to the ſaid S. A. A. his other neareſt lawful Heirs-male, and Aſſigneys whatſoever heretably an ſufficient Letter of Reverſion, for Redemption

tion of the ſaids haill Lands, Teinds, Manor-places, Houſes, *&c.* and others particularly above-written, with the Pertinents (both Principal and Warrandice) containing thereintill the foreſaid Sum of —— Money foreſaid, to be payed and delivered whole and together in one Sum, in ſufficient Gold or Silver, having paſſage and courſe of Payment within this Kingdom (for the time (and all Copper and Braſs-money excepted and ſecluded there-frae) to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids in Liferent and Fee reſpective within St. *Geils-Kirk* in *Edinburgh*, at that part thereof where the Tomb of umquhile *James* earl of *Murray* is ſituat, upon *Whitſun-even*, in *anno* 1666, (to the whilk Term the foreſaid Redemption is ſuſpended) or upon any *Whitſun-even* thereafter, betwixt the Sun-riſing and down paſſing thereof, upon the Premonition of 40 days of before, to be made by the ſaid *S. A. A.* his ſaid Spouſe, and their foreſaids, to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids for that effect, in preſence of a Nottar and Witneſſes as effeirs, and in caſe of their willfull Abſence or Refuſal to the Receipt of the ſaids Sums, the ſame to be conſigned in the hands of the Dean of Gild, or Theſaurer of the ſaid Burgh of *Edinburgh* (moſt reſponſal for the time) to be furth-coming to the ſaid *G. S.* his ſaid Spouſe, and their foreſaids (in Liferent and Fee reſpective, upon the peril of the Conſigners, and that for Redemption, Louſing and Out-quitting from the ſaid *G. S.* his ſaid Spouſe, and their foreſaids, of the haill foreſaids Lands, Teinds, and others particulary above-mentioned, with the Pertinents both principal and Warrandice: And It is hereby declared, that it ſhall no ways be lawful to the ſaid S.A. *&c.* to uſe the foreſaid Order of Redemption, untill ſuch time as all by-runs and Reſts of the foreſaid Free-rent of 12 Chalder Victual of the Meaſure and Quality above-mentioned, or Prices of the ſame (9) Together with the haill Feu and Teind Duties, Tack-Duties, Ceſſes and other Burdens and Impoſitions, if any ſhall happen to be payed by the ſaid *G. S.* his ſaid Spouſe, and their foreſaids) be all firſt payed, numbred and down-told, with the ſaid principal ſum of —— and —— Money above-written of failzie and Expenſes after-ſpecified (in caſe the ſame be incurred) be all really payed, numerat and told-down, with the ſaid principal, otherways no lawful Redemption to be repute nor holden: And furder it is hereby declared and agreed upon, betwixt both the ſaids Parties, that this preſent Contract (and Condition of Reverſion therein-contained) ſhall be as valid and ſufficient to the ſaid *S. A. A. &c.* for uſing of the foreſaid Order of Redemption, as if a particular Letter of Reverſion were duely and lawfully made, ſealed, ſubſcribed, delivered and Regiſtrat a part, with all Solemnities requiſit, conform to the Act of Parliament, albeit the ſame be not ſo done, whereanent (and with all that may follow thereupon) both the ſaids Parties for them and their foreſaids) have diſpenſed, and by thir preſents diſpenſes for ever notwithſtanding of whatſoever Exception or Objection that may be moved or proponed in the contrair) And in caſe the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids ſhall happen rather to deſire to have the foreſaids ſums repayed, than to retain the Security thereof above-written, then and in that caſe, the ſaid *S. A. A.* by thir preſents binds and obliges him and his foreſaids thankfully to content, pay and deliver to the ſaid *G. S.* and *M. S.* his Spouſe, the longeſt Liver of them two (for her Liferent-uſe allennarly) and after their deceaſes, to the Heirs lawfully begotten or to be begotten betwixt them; which failzeing, to the ſaid *G. S.* his other Heirs and Aſſigneys whatſoever, all and haill the foreſaid ſum of —— merks good and uſual Money foreſaid, within the Town of *Edinburgh*, at the Term of *Whitſunday-even*, —— years, (to the whilk Term, all Requiſition for the ſaid principal ſum is ſuſpended) or at any other Term of *Whitſunday-even* thereafter, the ſaid *G. S.* his ſaid ſpouſe and their foreſaids pleaſe to have the ſame upon the Requiſition of four-

ty days of before, to be made by the ſaid G. S. his ſaid ſpouſe and their foreſaids, or their lawful Procurators in their Name, to the ſaid S. A. and his foreſaids for that effect, perſonally, or at their Dwelling-places for the time, in preſence of a Nottar and Witnes as effeirs; And in caſe of Failzie after Requiſition, the ſaid S. A. A. by thir preſents binds and obliges him and his foreſaids, to make payment to the ſaid G. S. and his ſaid ſpouſe, and their foreſaids of the ſum of 2000 merks Money foreſaid, of liquidat Expenſes (by and attour the ſaid Principal ſum, and together therewith) but prejudice to them of their Real-Rights of the ſaids Lands, Teinds, and others foreſaids (both Principal and Warrandice) ay and while they be compleatly ſatisfied and payed of the ſums of Money, 10 Duties and others reſpective above-written, and als the ſaid G. S. his ſaid ſpouſe and their foreſaids, at the Receipt of the ſame, and full and compleat payment and ſatisfaction to them thereof, granting the ſaids Lands and others foreſaids (both Principal and Warrandice) to be lawfully redeemed, louſed, and out-quitt from the ſaid G. S. his ſaid ſpouſe, and their foreſaids, by the ſaid S. A. A. and renuncing and diſcharging the ſame, and Contract and Infeftments following thereupon in favours of the ſaid S. A. A. his ſaid ſpouſe and their foreſaids, and granting to them ſufficient and valid Renunciations, Diſcharges, & Grants of Redemption for that effect, and delivering the ſaid Contract, Infeftments, and haill Rights and Evidents of the ſaid Wadſet, to the ſaid S. *A. A.* and his foreſaids, to be cutted, cancelled and deſtroyed, or otherwiſe uſed and diſpoſed upon at their pleaſure in time coming; *After this, the Clauſe of cauſing the Lady ratifie judicially, Clauſe of Regiſtration and Precept of Seaſin*, to be holden *à me*, or *de me*, or both, the one but prejudice of the other, in the option of the Creditor) were inſert, *and which I omit, being ordinary Clauſes, and a Pattern thereof being formerly ſet down, except as to the Warrandice Lands, which muſt be ruled according to the Precept* in terminis.

CONTRACT of Wadſet, being an improper VVadſet, not cled with the natural Poſſeſſion, but ſet in Back-tack to the Heretor for payment of the Annualrent of the Money advanced at two Terms, with a Condition if two Terms run in the Third, then the Back-Tack ſhall be null, and the Wadſetter may enter to the Poſſeſſion, and ſeveral other things differing from that of the proper Wadſet.

AT ——— the —— day of —— 1656 years, It is Appointed, Contracted, finally agreed and ended betwixt the Parties following; *They are to ſay*, the right worſhpiful *S. A. A.* of G. Knight, heretable Proprietor of the Lands, and others after-ſpecified (both Principal and Warrandice, with the pertinents, with conſent of *D. H. M.* his ſpouſe (for all right of Liferent, Terce, or others whatſomever, which ſhe has or may pretend thereto,) and the ſaid D. *H. M.* for her ſelf, (her own Right and Intereſt) with conſent of her ſaid Husband, and both of them with one conſent and aſſent, and he taking burden in and upon him for her, to the effect after-mentioned, on the one part, and *G. S.* Advocat, and *M. S.* his ſpouſe, and them both with on conſent and aſſent, on the other part, in manner following; *that is to ſay*, forſuameikle as the ſaid *G. S.* has inſtantly advanced, payed and delivered to the ſaid *S. A. A.* (for out-redding of his lawful and neceſſary Affairs, and releif and payment of his Debts and Burders *pro tanto*,) all and haill the Sum of ——, good and uſual Money of this Realm, (*here take in the former Contract from the 2 Figure until ye come to the 6 Figure, all which I omit here* brevitatis cauſa, *for in what omitted, this of the improper agrees with that of the proper Wadſet, and then continue the Stile of*

the

the improper Wadſet as follows) and notwithſtanding of the foreſaid Wadſet and Aſſignation to the ſaid Tack and Tack-duty, and after expiration of the ſaid Tack, to the ſaids Mails and Duties of the Lands and others above Wadſet, with the Pertinents of all Years and Terms thereafter during the not Redemption; yet the ſaid *G. S.* and his ſaid Spouſe, with one conſent and aſſent, conſidering it may be more convenient for the ſaid *S. A. A.* and his foreſaids to retain the Poſſeſſion, and have the ſaids Lands, Teinds, and others foreſaids (except the ſaid Mannor-place, Office-houſe, and four Acres, and Paſturage of an Horſe and Cow, which they the ſaid *G. S.* and *M. S.* keep for their Perſonal Accommodation, and cannot be of preſent uſe for the ſaid *S. A. A.* and his foreſaids being otherways accommodat by the like on the reſidue of their Eſtate) ſet back to them in Back-Tack for payment of the Tack-duty after-ſpecified, in manner and in the terms after-mentioned; therefore the ſaid *G. S.* and his ſaid Spouſe, with one conſent, have Set, and in Back-Tack, and in Aſſedation, (for the Duty under-written) letten, and by thir Preſents Set, and in Back-Tack and Aſſedation (for the Duty under-written,) with and under the expreſs Conditions, Proviſions and Declarations after-expreſt, and no otherways,) Lets to the ſaid *S. A. A.* and his foreſaids, *all and haill* the foreſaids Lands, Teinds, and others principally above-diſponed, with the Pertinents, and in caſe of Eviction thereof, the ſaids Lands and others foreſaids diſponed in real Warrandice of the ſamen, in ſo far as may be extended to the ſaid Eviction, and in quantity and quality of the ſame, (excepting always the foreſaid Mannor-place, Office-houſe, four Acres, and priviledge of Paſtourage of an Horſe and Cow, reſerved to the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids, for the uſe and end above-rehearſed,) and of this inſtant Cropt and Year of God 1656, and yearly thereafter in all time-coming during the not Redemption after-ſpecified, and with Power to ſaid *S. A. A.* and his foreſaids, to labour and manure the ſaids Lands and others foreſaids, (excepting and reſerving as ſaid is,) by themſelves and their own Servants and Beſtial, or to ſet the ſame to reſponſal Tennents, as they ſhall think expedient, and to intromet-with and uplift the Mails and Duties thereof, and to ſet and raiſe Tennents, uſe Warning, proſecute Removing, Decreets in the Premiſſes to obtain and recover, and the ſame to due and lawful Execution cauſe be put; and to do what elſe the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids might do therein themſelves, had they retained the Poſſeſſion in their own hands, and not ſet the ſame in Back-Tack in manner foreſaid; *for the whilks Cauſes*, the ſaid *S. A. A.* by thir Preſents, faithfully binds and obliges him his Heirs, Executors and Succeſſors, thankfully to content, pay and deliver to the ſaid *G. S.* and his ſaid ſpouſe, the longeſt liver of them two, (for her Liferent-uſe allanerly,) and to the Heirs lawfully Procreat, or to be Procreat betwixt them, whilks failzieing, to the ſaid *G. S.* his other Heirs and Aſſigneys whatſomever, *all and haill* the Sum of —— Money foreſaid, (in name of Back-Tack-Duty,) and that yearly at two Terms in the year, *M.* and *W.* by equal Portions, beginning the firſt Terms payment thereof at the Term of *M.* next to come, and the other Terms payment of the ſame at the Term of *W.* thereafter for this inſtant Cropt and Year 1656, and ſua furth yearly thereafter, (at the Terms and by equal Portions as ſaid is,) during the continuance of the ſaid Back-Tack and Aſſedation, (and that of free Rent, and free of all Miniſter and School-maſter Stipends, Ceſs, and other publick Burdens whatſomever whereof, he hereby binds to releive them,) with the Sum of —— Money above-written of liquidat Expenſes in caſe of failzie, and that by and attour the ſaid Back-Tack-Duty, and together therewith; and beſides (and by and attour the ſaid Back-Tack-Duty and Penalty, and over and above the ſame,) it is hereby expreſly provided and declared, agreed to, and condeſcended upon, betwixt the ſaids Parties, that in caſe it ſhall happen the ſaid *S. A. A.* and

his foreſaids to failzie in the punctual payment of the ſaid Back-Tack-Duty, (at leaſt that they ſuffer and permit two Terms thereof to run in the third, and the third unpayed,) that then and in that caſe the ſaid Back-Tack ſhall from thence furth become extinct, void and null, and it ſhall be lawful to, and in the power of the ſaid *G. S.* and his ſaid ſpouſe, and their foreſaids, immediatly (upon the elapſing of the ſaid third Term) to reaſſume and enter to the real, actual and peaceable Poſſeſſion of the ſaids Lands, Teinds, and others above-ſpecified, principally diſponed in Wadſet as ſaid is, and in caſe of Eviction thereof, in haill or part, to the real, actual and peaceable Poſſeſſion of the other Lands, Teinds, and others foreſaids, diſponed in real Warrandice of the ſame, at leaſt ſo much of the ſame as will correſpond and effeir in quantity, quality, and yearly-duty to the ſaid Eviction, and of the Meaſure above-mentioned, and in the ſame way and manner, and als fully and freely in all reſpects, and to all Intents and Purpoſes, as if the ſaid Back-Tack and Aſſedation had never been ſett and granted, or entered into, (but that the real and natural Poſſeſſion from the beginning had remained and continued with the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids, conform to, and in the firſt terms of this preſent Contract,) and that *brevi manu*, at their own hands, but any peril of ejection or hazard of intruſion to be incurred or ſuſtained by the ſaid *G. S.* his ſaid Spouſe, and their foreſaids there-through, and without neceſſity of any previous Decreet of removing, Declarator, or others of the Law competent to be had and obtained for that effect, whereanent the ſaid *S. A. A.* and his foreſaids, by thir preſents diſpence for ever. And farder, it is hereby declared, that the ſaid re-poſſeſſion ſhall no ways prejudge the ſaid *G. S.* his ſaid ſpouſe, and their foreſaids, as to the by-gone Back-Tack-Duties, and termly Penalties that ſhall happen to be reſting and incurred before the ſaid re-poſſeſſion; and that it ſhall be lawful to them to charge, purſue, and uſe all Diligence real and perſonal thereof, as accords of the Law, ay and while they be compleatly ſatisfied and payed of the ſame. *And moreover*, it is hereby expreſly provided and declared, that after the ſaid re-poſſeſſion, all the Obligements above-ſpecified upon the part of the ſaid *S. A. A.* his ſaid Spouſe, and their foreſaids, for keeping the ſaids Lands ſufficiently Tennentſtade, and payment of what yearly defective of the ſaid Rent of 12 Chalders Victual, of the quantity and with the meaſure above-mentioned, and not medling and uplifting with the *ſuperplus* Rents of the Lands, until the ſaid *G. S.* his ſaid Spouſe, and their foreſaids be firſt payed, or to pay the prices of what defective in manner foreſaid, and all the other Obligements, Proviſions and Conditions above-expreſt relating thereto ſhall revert, revive, and take place as to the firſt conception, energy and ſtrength, and as before the ſaid Back-Tack, and conform to the tenor of the ſame in all points, and upon the which expreſs Proviſions, Conditions and Declarations, and in the preciſe terms aforeſaid the ſaid Back-Tack and Aſſedation is granted, accepted and entred into, and no otherways. *After this take in the Reverſion, and all after the* 8 *Figure, until the cloſe, with thir Alterations and Additions in their proper places*, viz. *at the* 9 *Figure, add* Back-Tack-Duties and Termly-Penalties thereof; *and at the Figure* 10 *add* Back-Tack-Duties, Termly-Penalties.

Nota, *I choiſe rather to inſert this, bearing a real Warrandice, than a ſimple Wadſet without it; becauſe many have the one, that want the other: And having both, is Maſter of both, whether conjunctly or ſeverally, whereas otherways not.*

Renunciation

RENUNCIATION and Grant of Redemption of the ſaid Wadſet, (and which in effect may be a Rule to the other Wadſet and Heretable Bonds mutatis mutandis) *by the ſaid* G. S. *and his Spouſe, to the ſaid* S. A. A. *of* G. *and his Lady.*

BE *it kend* to all men by thir preſent Letters, me *G. S.* of *A.* Advocat, Wadſetter of the Lands, Teinds and others after-ſpecified, with the ſpecial advice and conſent of *M. S.* my ſpouſe, for all Right of Liferent, and others whatſomever ſhe has, or can pretend thereto, and me the ſaid *M. S.* for my ſelf (my own Right and Intereſt, with conſent of my ſaid Husband,) and both of us, with one conſent and aſſent, and I the ſaid *G. S.* taking Burden in and upon me for her, to the effect after-mentioned; Forſuameikle as by Contract of Wadſet made and paſt betwixt S. A. A. of G. Knight, Heretable Proprietar of the Lands and others under-written, (both Principal and Warrandice,) with the Pertinents, with conſent of Dam *H. M.* his ſpouſe, for all Right of Liferent, Terce, or others whatſover, whilk ſhe had or might pretend thereto; and the ſaid D. *H. M.* for her ſelf (her own Right and Intereſt, with conſent of her ſaid Husband,) and both of them with one conſent and aſſent, (and he taking burden on him for her, to the effect after-expreſt,) on the one part, and us the ſaid *G. S.* and *M. S.* (with one conſent and aſſent,) on the other part, of the date the —— day of —— 1656 years, the ſaid S. *A. A.* and his ſaid ſpouſe, (with one conſent and aſſent foreſaid, and taking Burden as ſaid is, for the Sum of —— uſual Money of this Realm, then advanced, payed and delivered by me the ſaid *G. S.* to the ſaid S. *A. A.* for out-redding of his lawful and neceſſary Affairs, and releif and payment of his Debts and Burdens *pro tanto*) ſold, annailzied and diſponed to us the ſaid *G. S.* and *M. S.* and to the longeſt liver of us two in Conjunct-fee and Liferent, and to the Heirs lawfully gotten or to be begotten betwixt us, whilks failzieing, to the other Heirs and Aſſigneys whatſoever of me the ſaid *G. S.* heretably, (with and under the condition of Reverſion, and other Proviſions and Reſervations after-ſpecified, in manner aftermentioned,) *all and haill* the ſaid S. *A. A.* his Lands of *A*, and —— called ——, with the Mannor-Place, *&c.* lying within the Parochin of ——, Regality of *S.* Conſtabulary of *H*, and Sheriffdom of *E.* and all and haill the Kirk-Lands of ——, with the Houſes, *&c.* lying in the Town and Territory of A, Lordſhip and Barony, Regality, Conſtabulary and Sheriffdom foreſaid, with the Advocation, Donation, and Right of Patronage of the Parſonage and Viccarage of the Kirk of ——, Teinds, Parſonage and Viccarage thereof, and all Profits and Commodities of the ſame, (reſerving to the ſaid S. *A. A.* his ſaid ſpouſe, and their Heirs and Aſſigneys furth of the ſaid Diſpoſition, four Acres of —— belonging to the Links of ——) together with all Right, Title, Intereſt, *&c.* the ſaid *S. A. A.* his ſaid Spouſe and their foreſaids, had or could pretend thereto, or to the Mails and Duties thereof, Stock and Teind (and that in ſo far allennarly as might be extended to 12 Chalders Victual yearly, whereof —— Ch: —— Bolls, —— Furlets Wheat and —— Ch: of Oats, free of all Feu and Teind-duties, Miniſters Stipends, Ceſs, and other Burdens and Impoſitions whatſoever, and by and attour the Mannor-place of *A.* Office-houſes thereof, and Paſturage of a Horſe and a Cow to us and our foreſaids on the ſaids Lands of *A.*) and that as for the principal, and all and haill the Lands of *S.* with the Tower, Fortalice, *&c.* lying within the Lordſhip and Barony of *D.* and Sheriffdom of *H.* and that in real and ſpecial Warrandice and Security to us and our foreſaids, of the ſaids

Lands, Teinds, and others Principally above-disponed, with the Pertinents, (in case of Eviction) in manner, in the Terms, and to the extent and latitude therein expreſt (and during the not Redemption, by vertue of the Reverſion therein contained) and the ſaid *S. A. A.* with conſent of his ſaid Spouſe, and taking Burden on him for her as ſaid is) band and obliged him, his Heirs and Sucſors, duely and ſufficiently to Infeft and ſeaſe us and our foreſaids (in Liferent and Fee, reſpective and heretablie, and under Reverſion in manner foreſaid) in all and ſundry the foreſaids Lands, Teinds, Patronage, and others reſpective, particularly above diſponed, with the Pertinents, Principal and Warrandice, lying as above-expreſt, (and in ſo far as might be extended to the foreſaid free Rent of 12 *Ch.* Victual, of the Quality above-rehearſed, by and attour the Mannor-place of *A.* and Paſtcurage of an Horſe and a Cow on the ſaids Lands of *A.*) and that by two ſeveral Infeftments and manner of Holdings to be holden, with Warrandice, and under Reverſion, in manner-ſpecified in the ſaid Contract, and to grant all Rights and Securities requiſite and neceſſar thereanent, (the two-part of the Charges of the ſaids Infeftments to be on their part, and the other Third of the ſame to be on our part) And which Contract contains Procuratory of Reſignation, abſolute Warrandice, Clauſe of purging Incumbrances, Aſſignations to the then ſtanding Tack and Duty therein contained, during the ſpace thereof to run, and to the *ipſa corpora* of the Duties themſelves after Expiration thereof, in ſo far as may be extended in manner foreſaid, and a Power to quarrel the Tack upon the Grounds therein-mentioned, and a Back tack of the Lands to the ſaid *S. A* for the yearly duty, and in the Terms therein-ſpecified, with a Tack of the ſaids four Acres in our favours, during the not Redemption, for payment of the yearly Duty therein expreſt together with a Letter of Reverſion, Clauſe of Requiſition, Precept of Seaſin, and divers other Obligements, Articles and Clauſes conceived in favours of both Parties: And conform whereunto, and Charter following thereupon. granted by the Superior, containing Precept of Seaſin, we the ſaid *G. S.* and *M. S.* were upon the —— day of —— —— years, lawfully infeft in the ſaids Lands, and others foreſaids, both Principal and Warrandice, (and that in Liferent and Fee reſpective) and our Seaſin duely Regiſtrat, conform to the Act of parliament, as the ſaid Contract of Wadſet, Charter and Seaſin following thereupon, in themſelves more fully proport. *And now ſeing* the ſaid S. A. A. has (conform to, and in the terms of the ſaid Reverſion contained in the ſaid Contract) made real payment and Satisfaction to me the ſaid *G. S.* of the ſaid Sum of —— money foreſaid (at firſt borrowed by him upon the ſaid Wadſet) together with the two parts of the Expenſes of the ſaids Infeftments and bygone Back tack-duties reſting by him to us, and any thing expended by us at firſt, upon the Reparation of the ſaid Mannor-place of A. or any Ceſs were payed out for him (and whereof, and other publick Burdens he was obliged to relieve me and my ſaid Spouſe in manner foreſaid, but with Deduction and Allowance from me to him of the Tack-duty of the ſaids four Acres, as to all bygone years) and of the which haill Sums, (now and formerly advanced and payed) I the ſaid *G. S.* (with conſent foreſaid of my ſaid Spouſe) hold me well content, ſatisfied and payed, and for me, my Heirs and Executors, renunce all Exceptions and Objections in the contrair, for now and ever. *Therefore* wit ye us the ſaid *G. S.* and *M. S.* (both with one Conſent and Aſſent foreſaid, and taking Burden as ſaid is) to have acknowledged and confeſſed, likeas we by thir preſents, acknowledge and confeſſe the foreſaids Lands, Teinds, Patronage, Mannor-place, Houſes, Biggings, Yards, Orchards, Priviledges, and others above wadſet and diſponed, with the pertinents, both Principal and Warrandice, and all lying in manner foreſaid, together with the ſaid Right of Wadſet granted to us thereupon, and Infeftments,

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following on the ſame in our favours) to be lawfully redeemed, louſed and out-quit by the ſaid *S. A. A.* and his ſaid Spouſe, and their foreſaids from us and our foreſaids for ever in all time coming, and that by the ſaid *S. A. A.* his good, thankful and real payment making to me the ſaid *G. S.* of the foreſaids Sums, due thereupon, and contained in the ſaid Reverſion in manner above-ſpecified (after Deduction and Allowance given by me to him of the Tack-duty of the ſaids four Acres in manner above-expreſt) And therefore we have, freely and ſimpliciter over-given, quit-claimed, & for ever diſcharged and renunced; Likeas, we (both with one Conſent and Aſſent foreſaid and taking burden in manner above-ſpecified) for us and our foreſaids, by thir preſents freely and ſimpliciter over-give, quit-claim, and for ever diſcharge and renunce, to and in favours of the ſaid *S. A. A.* his ſaid Spouſe and their foreſaids, in all time coming, the foreſaid Contract of Wadſet, Charrer and Seaſin following thereupon, Lands, Teinds, Patronages, Mannor-Place, Houſes, Biggings, Yards, Orchards, Graſings, Acres, Priviledges, and others therein contained, and all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, as well *petitor as poßeſſor*, which we or either of us and our foreſaids, had, have, or any ways may claim or pretend thereto, with all that has followed or may follow on the ſame by whatſoever manner of way, and hereby declare the ſaid S. *A.* A. his ſaid Spouſe, and their foreſaids, to be in their own Vice, Title and place of the Premiſſes, and the ſaid Rights to be extinct, void and null and of no Force, Strength or effect in all time coming, Sicklike, and as fully, freely and abſolutely in all reſpects, and to all Intents and Purpoſes, as if the ſaid Wadſet had never been granted or entred unto, or any Charter or Infeftment thereupon paſt and exped, or Poſſeſſion by Sub-tack or otherways by vertue thereof had and obtained; And which Renunciation and Diſcharge (in ſo far as may be extended to the Suppreſſion and Extinction of the ſaid Wadſet, Right and Infeftments allennarly) I the ſaid *G. S.* (with conſent foreſaid, and taking Burden as ſaid is) by thir preſents bind and oblige me my Heirs, Executors and Succeſſors, to Warrand, acquite and defend to the ſaid *S. A. A.* his ſaid Sponſe and their foreſaids, in all, and by all things (as is above-written) in all time coming, at all hands, and againſt all deadly as Law will, And I the ſaid *M. S.* (with conſent of my ſaid Husband, and he taking Burden on him for me in manner foreſaid) by thir preſents bind and oblige me, my Heirs, Executors and Succeſſors, to Warrand, Acquite and Defend the ſame from my own proper Fact and Deed, done or to be done in prejudice thereof allennarly. And laſtly, I the ſaid *G. S.* bind and oblige me and my foreſaids, to move, and cauſe my ſaid Spouſe compear judicially before a Judge competent, and there (out-with my preſence) Ratifie this preſent Diſcharge and Renunciation, in the haill Heads, Articles and Clauſes thereof, and make Faith ſhe is not forced or compelled thereto, but that the ſame is done by her voluntarly and ſpontaniouſly, and to her ſeen Utility and Profite, and that ſhe ſhall never come in the contrair thereof, directly or indirectly in Judgement, or out-with the ſame in time-coming: Likeas we the ſaid *G. S.* and *M. S.* have (with one Conſent and Aſſent) inſtantly delivered up to the ſaid *S. A. A.* and his ſaid Spouſe, the foreſaid principal Contract of Wadſet unregiſtrat, with the Charter and Seaſin following thereupon, to be (with the other ſubſcribed *D*ouble of the ſaid Contract) Cutted, Cancelled and deſtroyed by them at pleaſure in time coming, conſenting thir preſents be inſert and regiſtrat in the Books of Council and Seſſion (appointed for Regiſtration of Seaſins, Reverſions, *D*iſcharges, and Renunciations of Wadſets, and the like) or others competent therein to remain for Conſervation, and if need beis allennarly, that Letters in Form as effeirs may paſs hereupon, and to that effect conſtitutes

Our Procurators, *&c.* In witneſs whereof we have ſubſcribed thir preſents (written by —— (*here inſert the Writters Name, Sirname and Deſignation*) with our hands At —— the —— day of —— —— years, before thir Witneſſes.

Nota, *This Diſcharge and Renunciation muſt be Regiſtrat within* 60 *days, of the date of its being ſubſcribed, either in the particular Regiſter of Seaſins where the Lands ly, or in the general Regiſter of Seaſins at* Edinburgh.

CONTRACT of Marriage betwixt W. *B. eldeſt lawful Son to* A. B. *of* ——, *and* E. H. *eldeſt lawful Daughter to* A. H. *of* ——, *with conſent of both Fathers, and a good Stile, with ſeveral fine Clauſes.*

AT —— the —— day of —— —— years. It is Appointed, Contracted, Finally and Matrimonially Agreed and Ended betwixt the Parties following; *They are to ſay, W. B.* eldeſt lawful Son and apparent Heir to *A. B.* of ——, with the ſpecial Advice and Conſent of his ſaid Father, and the ſaid *A. B.* for himſelf, his own Right and Intereſt, with Conſent of his ſaid Son, and both of them with one Conſent and Aſſent, (and the ſaid *A. B.* taking Burden in and upon him for his ſaid Son,) on the one part; and *E. H.* eldeſt lawful Daughter to *A.* H. of ——, with the ſpecial Advice and Conſent of her ſaid Father, and the ſaid *A. H.* for himſelf, with her Conſent, and both of them with one Conſent and Aſſent, and he taking Burden in and upon him for her, to the effect after-ſpecified, on the other part, in manner following: *That is to ſay,* the ſaids *W. B.* and *E. H.* with conſent foreſaid, have accepted, and by thir Preſents, accept each of them others for their lawful future Spouſes, and faithfully promiſe and bind and oblige them, to perform, ſolemnize and accompliſh the holy and honourable Bond of Marriage with one another, in face of Holy Kirk, as Gods Word doth approve and allow, and that betwixt the date hereof, and the —— day of ——, or ſooner as the ſaids Parties (at the pleaſure of God) ſhall think fit and expedient. *In contemplation* of the whilk Marriage, the ſaid *A. B.* of ——, by thir Preſents, faithfully binds and obliges him, his Heirs and Succeſſors, (with and under the expreſs Reſervations, Proviſions, Conditions, Declarations, and Burdens after-ſpecified) duely and ſufficiently to Inſeft and Seaſe the ſaid *W. B.* his eldeſt lawful Son, and the ſaid *E. H.* his effidat ſpouſe, the longeſt liver of them two in Conjunct-fee and Liferent, and the Heirs-Male lawfully to be Procreat betwixt them, whilks failzieing, the ſaid *W. B.* his other Heirs-Male whatſoever, whilks all failzieing, his Heirs whatſoever, (the eldeſt Daughter or Heir-Female having always the preference, and ſucceeding without Diviſion,) and their Aſſigneys, Heretably and Irredeemably, *in all and haill (here inſert the Lands and others appointed and agreed to be Liferented by the Gentlewoman, (which are ſuppoſed to be the Lands holden of other Superiors than the King, and no part of the Barony,) and where they ly, and then ſay*) And ſicklike, duely and ſufficiently to Inſeft and Seaſe the ſaid *W. B.* and the Heirs-Male lawfully to be Procreat of his Body in the ſaid Marriage, whilks failzieing, his other Heirs-Male and of Tailzie above mentioned, and their Aſſigneys Heretably and Irredemably, (with and under the ſame Reſervations, proviſion, and Burden) in all and haill the Lands and Barony of —— comprehending the Towns, Lands, Milns, Miln-Lands, Patronages, Teinds, and others after-mentioned, *viz.* (*here inſert the Lands and others contained in the Fathers Charters of the Barony, and where they ly, and then*

then ſay) and all by double Infeftments and manner of Holdings, the one thereof to be holden of the ſaid *A. B.* and his foreſaids, in free Blenſh, for payment of an Penny *Scots* Money at the Term of *Whitſunday* yearly, in name of Blenſh-Farm if it be asked allanerly, (and releiving the ſaid *A. B.* and his foreſaids of the juſt and equal half of the Feu and Blenſh-Duties, or other Duties due and payable to the Superiors furth thereof yearly in time coming,) and the other of the ſaids Infeftments to be holden from the ſaid *A. B.* and his foreſaids, of his reſpective immediat lawful Superiors, ſicklike and als freely in all reſpects as he holds or may hold the ſame himſelf, and that by Reſignation or Confirmation, as beſt ſhall pleaſe the ſaid W. *B.* and his ſaid future ſpouſe, and their foreſaids, (the acceptation of the one of the ſaids Infeftments to be no ways prejudicial to the other,) and for that effect, to make, grant, ſubſcribe and deliver to them in Liferent and Fee *reſpectivè*, all Rights and Securities requiſite and neceſſar thereanent, with Warrandice always in manner under-written, and upon the ſaid *A. B.* and his foreſaids their own proper Charges, Moyen and Expenſes, (but all with and under the expreſs Reſervations, Proviſions, Conditions, Declarations, Reſtrictions, Limitations, and burden of the Debts and younger Childrens Portions after-ſpecified, in manner and in the Terms after-mentioned, and wherein the ſaid *E. H.* her Liferent above-written is no ways to be intereſſed and concerned, in manner after-expreſt,) and for the better obtaining of the foreſaid reſpective Infeftments by Reſignation as ſaid is, (and but prejudice of the other Infeftment above-rehearſed,) the ſaid *A. B.* by thir Preſents, makes, conſtitutes and ordains ——, and ilk one of them, conjunctly and ſeverally, his very lawful, undoubted and irrevocable Procurators, Actors, Factors, and ſpecial Errand-Bearers, to the effect after-ſpecified, giving, granting, and committing to them, conjunctly and ſeverally as ſaid is, his very full, free, plain Power, expreſs Bidding, Mandat and Charge, for him, in his Name, and upon his behalf, to compear before his immediat lawful Superiors of the ſaids Lands and others foreſaids, appointed to be liferented by the ſaid *E. H.* and which is no part of the ſaid Barony as ſaid is, and als before our our Soveraign Lord the Kings moſt excellent Majeſty, and his Royal Succeſſors, lawful Superiors of the ſaids Lands and Barony of —, (comprehending the Lands, Milns, Miln-Lands, Patronages, and others above-ſpecified, with the Pertinents,) or their Commiſſioners in their Names, (having Power to receive Reſignations, and thereupon to grant new Infeftments,) and that any day and place, lawful and convenient, and there, with all due Humility and condign Reverence as becomes, purely and ſimply, by Staff and Baſtoun, as uſe is, to reſign, ſurrender, over-give and deliver; likeas the ſaid *A. B.* by thir Preſents, reſigns, ſurrenders, over-gives and delivers, all and haill the foreſaids Lands of ——, (*here inſert all the Lands and others appointed to be Liferented by the young Lady, and where they ly, and then ſay*) in the Hands of the ſaid *A. B.* his immediat lawful Superiors thereof, *in favours*, and for new Infeftment of the ſame, to be made and granted to the ſaid W. *B.* and the ſaid *E. H.* his effidat ſpouſe, and to the longeſt Liver of them two in Conjunct-fee and Liferent, and to the Heirs-male lawfully to be Procreat betwixt them, whilks failzieing, to the ſaid W. *B.* his other Heirs-male whatſoever, whilks all failzieing, to his Heirs whatſoever, (the eldeſt Daughter or Heir-female having always the preference, and ſucceeding without diviſion) and their Aſſigneys, Heretably and Irredeemably, and ſicklike, to reſign, ſurrender, over-give and deliver; likeas, the ſaid *A. B.* by thir Preſents, reſigns, ſurrenders, over-gives and delivers, all and haill the foreſaids Lands and Barony of ——, comprehending the Lands, Milns, Miln-Lands, Patronages, Teinds, and others above and after-ſpecified, *viz.* (*here inſert what belongs to the Barony, as in the Obligement to Infeft, all lying as ſaid is, and then ſay*) *in the Hands* of Our ſaid Soveraign

veraign Lord, and his Royal Succeſſors, Superiors of the ſame above-mentioned, or their Commiſſioners above-expreſt, in favours, and for new Infeftment of the ſame, to be made and granted to the ſaid W. *B.* and to the Heirs-male lawfully to be Procreat of his Body in the ſaid Marriage, whilks failzieing, to his other Heirs-male above-written, whilks all failzieing, to his Heirs whatſoever, (the eldeſt Daughter, or Heir Female, having always the preference, and ſucceeding without diviſion in manner foreſaid,) and their Aſſigneys, Heretably and Irredeemably to be holden, all the ſaids Lands, Barony, and others above-reſigned, (alſwell holden of his Majeſty as other Superiors,) of the ſaids reſpective Superiors, in ſuch due and competent form, as accords, but all the ſaids Reſignations and Infeftments, with and under the expreſs Reſervations, Proviſions, Conditions, Declarations, Reſtrictions and Limitations under-written, and Burden of the Debts and younger Childrens Portions after-ſpecified, in manner and in the terms after-mentioned, and wherein the ſaid *E. H.* her Liferent-right aforeſaid, is no ways to be intereſſed and concerned, or in the leaſt burdened and affected, in manner after-expreſt, *viz.* Reſerving always to the ſaid *A. B.* his Liferent-right of the Mannor-Place, Office-Houſes, Yards and Orchards of the ſaid Barony, now preſently poſſeſſed by himſelf; as alſo of theſe Parts and Portions of the ſaid Barony particularly under-written, *viz.* (*here inſert the Lands and others reſerved to the Father in Liferent, and then ſay*) and that during all the days of his Lifetime; and ſicklike, reſerving to —— his ſpouſe her Liferent-right of ſuch of the ſaids Lands, Barony, and others above-reſigned, with the Pertinents, (holden of his Majeſty as ſaid is) as are provided to her in Liferent by Contract of Marriage, and Infeftment following thereupon, and additional Proviſion granted by her ſaid Husband to her there-thereafter, and both during all the days of her Lifetime, in caſe (at the pleaſure of God) ſhe happen to ſurvive him. And in like-manner, it is hereby expreſly Provided and Declared, and be it ſo Provided and Declared by the Reſignation and Infeftments to follow hereupon, that the ſaid *W. B.* and the Heirs-male of his Body, whilks failzieing, his other Heirs-male and of Tailzie above-ſpecified, ſhall be holden and obliged, and by the acceptation hereof, bind and oblige them to ſatisfie and pay to the ſaid *A. B.* his lawful Creditors, the Debts reſting by the ſaid *A. B.* to them by Wadſet, Right of Annualrent, Perſonal Bonds, or otherways conform to an Liſt thereof ſubſcribed by the ſaid *B.* and his ſaid Son thereanent, of the date of thir Preſents, and likewiſe to ſatisfie and pay the ſaid *A. B.* his younger Childrens Portions and Proviſions, conform to, and in the Terms of the Bonds of Proviſion granted by him to them alſo there-anent, and with Aliment, Annualrent and Penalties, in manner therein-expreſſed; and to warrand, free, releive, harmleſs and skaithleſs keep the ſaid *A. B.* and his Executors, and other Repreſentatives, of all Requiſition and Legal Diligence and Execution whatſoever, that may be uſed againſt him or them at the inſtance of his ſaids Creditors and Children, or either of them, or of their Heirs, Executors, or Aſſigneys for the ſaid Debts, Portions and Proviſions, and of all coaſt, skaith, damnage, intereſt, charges and expenſes that may be ſuſtained by them there-through any manner of way in time-coming, and to report to the ſaid *A. B.* and his foreſaids ſufficient Acquittances, Diſcharges and Grants of Redemption of the ſame, whenever deſired by the ſaid *A. B.* or his foreſaids thereto, and for all which (and doing and performing thereof) the ſaid *W. B.* is particularly obliged to the ſaid *A. B.* and his foreſaids, by a particular Bond granted thereanent, alſo of the date of thir preſents. And furder, It is hereby expreſly Provided and Declared, by the ſaid Reſignation and Infeftments, that if at any time hereafter the Succeſſion of the ſaids Lands and Eſtate (failzieing of Heirs-male to ſucceed therein,) ſhall deſcend to the Heirs-Female, that then and in that caſe, the eldeſt

Heir-Female

Heir-Female ſhall ſucceed and have the preference without diviſion, marrying a Gentleman of the Name of *B*, or one who ſhall aſſume the ſame, and they, and the Heirs-male and Female deſcending of their Bodies ſhall be holden and obliged, and by the acceptation hereof, bind and oblige them in all time thereafter to aſſume, uſe, and bear the Sirname of *B.* Arms, Cognizance, and Stile of —, and wherein if they failzie and contraveen; Then and in that caſe *ipſo facto*, they ſhall amitt and tyne their Right of the ſaids Lands, and Eſtate, and the ſame ſhall devolve upon, and appertain and belong to the next in Blood, or Order of Succeſſion, who is hereby Ordained and Appointed in the caſe foreſaid (and immediatly upon the ſaid Contravention) to ſucceed thereto (even as if the Contraveeners were naturally dead) and the ſaids Contraveeners are hereby holden and obliged (and by the Acceptation hereof, bind and oblige them) to denude and diveſt themſelves of the Right of the ſaid Eſtate, and all pretence they have thereto, in favours of the ſaid perſon that is next in Blood, and in order of ſucceſſion in manner foreſaid, and ſhould they refuſe or delay ſo to do, it ſhall be leiſum and lawful to, and in the power of the ſaid Perſon next in Blood and Order of Succeſſion, to oblige the Contraveeners to denude *ut ſupra*, and that by way of Declarator, Adjudication, or otherways, as may beſt conſiſt with the Laws and Cuſtom of the the Kingdom in that caſe provided, the perſon ſo ſucceeding upon the ſaid Contravention marrying *ut ſupra*, and her Husband and Deſcendents of their Bodies, aſſuming, uſing, and bearing the Sirname of *B.* Arms, Cognizance, and Stile of —— in manner, and in the Terms above-expreſt. *And moreover*, it is hereby expreſly provided and declared, and be it ſo expreſly provided and declared by the Reſignation and Infeftments to follow hereupon, that it ſhall not be lawful to, or in the Power of the ſaid *W. B.* and Heirs-male of his Body, or yet to the other Heirs-male and of Tailzie above-ſpecified, to alter, innovat, or infringe the foreſaid Tailzie, or Order of Succeſſion therein appointed, or the Nature, Quality, and preciſe Terms thereof in prejudice of the Succeſſors, and the Deeds ſo done ſhall not only be void and null, but alſo the perſon Contraveener ſhall *ipſo facto* amit and tyne all Right he or ſhe has or can pretend (by vertue of this preſent Right of Tailzie or otherways) to the ſaids Lands and Eſtate, and the next in the Order of Succeſſion who might have ſucceeded therein *Jure Sanguinis* (if the Contraveener naturally dead) ſhall have Right thereto, and in full power to oblige the Contraveener to denude thereof, the way and manner formerly appointed and preſcribed, and with and under the which Reſervations, Proviſions, Conditions & Limitations above-ſpecified, and Burden of the ſaids Debts, and younger Childrens Portions, and Proviſions, and Obligments relateing thereto; Thir preſents are granted and accepted, and Reſignation and Infeftments appointed to follow thereupon, and no otherways: And laſtly, It is hereby declared, that albeit this preſent Right be granted, with the Burden of the ſaid *A. B.* his Debts and younger Children their Portions and Proviſions aforeſaid, yet the ſame ſhall no ways militat againſt, or in the leaſt burden or affect the ſaid *E. H.* her Eiferent aforeſaid, in caſe ſhe ſurvive her ſaid future Husband, but on the contrair, the ſame ſhall remain full and intire to her, after her ſaid Husbands deceaſe, during all the days of her Lifetime, conform to her ſaid Liferent, Proviſion, and Infeftment to follow thereupon in all Points, Acts, Inſtruments and Documents (*here take in the Stile of the Procuratrie of Reſignation from the Father to the Son Figure 6 until ye come to the Figure 7 with this difference*, viz. *Whereas the former being a Deed flowing from the Father, & by way of Procuratry of Reſignation, he ſpeaks of himſelf in the firſt Perſon, in this, being by way of Contract, ye muſt ſpeak of him in the third Perſon all alongſt, and then ſay*) Reſerving always to the ſaid *E. H.* her liferent Right of the Lands and others

above-ſpecified, provided to her in caſe ſhe ſurvive her ſaid Husband, and that after his deceaſe, during all the days of her Lifetime, conform to her ſaid Liferent, Proviſion and Infeftment to follow thereupon in all Points, and in and to the Mails, Farms, Cains, Cuſtoms, Caſualities, Profits, Duties and Parſonage-Teinds of the which Lands, and others foreſaids ſua provided to the ſaid *E. H.* in Liferent after her ſaid Husbands deceaſe (in caſe ſhe ſurvive him in manner foreſaid) and during her Lifetime, and all Action competent thereupon (the ſaid *A. B.* with conſent of his ſaid Son, hereby makes and conſtitutes her, his Aſſigney, with full Power to the ſaid *W. B.* & his foreſaids; Whilks tailzeing as ſaid is, to intromet with, uplift, (*here take in from the former Figure 7 in the fathers Procuratrie, until ye come to the Figure* 8 *and then ſay*) And reſerving alſo to the ſaid *E. H.* her Liferent-Right above-ſpecified, after her ſaid Husband's deceaſe during her Lifetime, in manner above-expreſt; And with full and and ample Power to her (in caſe ſhe ſurvive her ſaid Husband) immediatly upon his deceaſe, to Poſſeſs, Labour and Manure the ſaids Lands and others foreſaids, liferented by her as ſaid is, and to intromet-with, uplift, ask, crave, and receive the Mails, Duties, Teinds and Caſualities thereof, and to exact the Services of the ſame after her ſaid Husband's Deceaſe, and during her ſaid Lifetime in manner above-rehearſed, and to ſet and raiſe Tennents, uſe Warning, proſecute Removings, Decreets in the Premiſſes, to obtain and receive, and the ſame to due Execution cauſe be put, and upon payment to grant Diſcharges which ſhall be ſufficient to the Receivers: and to do what elſe any Liferentrix by the Laws of this Kingdom has done, does, or may do in the like caſes, and becauſe the ſaid *A. B.* as the Parent keeps the Writs and Evidents of the ſaids Lands and Eſtate in his own hands (during his Lifetime) he by thir preſents binds and obliges him and his foreſaids to make the ſame furth-coming to the ſaid *W. B.* and his foreſaids whenever they ſhall have neceſſarly to do therewith, and he required thereto, and if (in the mean time) the ſaid *W. B.* and his foreſaids require judicial Tranſumpts thereof, to exhibit the ſame before any Judge competent for that effect, the ſaid *W. B.* and his foreſaids, being at the Charge and Expenſe thereof, and with power alſo to the ſaid *W. B.* and his foreſaids (after the ſaid *A. B.* his deceaſe, to meddle and Intromet with the ſaid *A. B.* his Charter-Chiſt, and Writs and Evidents of the ſaid Eſtate therein, as their own proper Charter-Chiſt, Writs and Evidents, and to be kept, uſed and diſpoſed upon by him and his foreſaids as ſuch at their pleaſure thereafter in time-coming: And becauſe upon the matter, the ſaid *A. B.* Liferents the half of the Eſtate, and that now the ſaid *W. B.* his eldeſt Son enjoyes and poſſeſſes the other half thereof, therefore it is hereby agreed and condeſcended betwixt them, that for this next Cropt and year & thereafter in all time-coming during the ſaid *A. B.* his lifetime, they ſhall pay and relieve one another of the juſt and equal half of all Feu-Duties, and other Duties due and payable furth of the ſaid Eſtate to the King, or other Superiors, Miniſters and School-maſters, Stipends, Reparation of Kirks & Kirk-yard Dykes, Communion-Eliments, Teind, Tack-duties, Ceſſes, Mentinants, Outriks & Levies of Horſe & Foot, Taxations, & other publick Burdens due & payable, or that ſhall be due and payable furth of the ſaids Lands and Eſtate, Stock and Teind, and that yearly, termly, quarterly, or monethly, as the ſame ſhall fall due, and the ſaid *A. B.* and *W. B.* by thir preſents, bind and oblige them to pay and relieve one another accordingly of the ſame, and by a Bipartie-diviſion in manner above-expreſt. And the ſaid *W. B.* with conſent foreſaid, binds and obliges him and his foreſaids, that the ſaids Lands and others above-ſpecified, in Stock and Teind provided to his ſaid future Spouſe in Liferent as ſaid is, do amount and extend to, and pay yearly of free Rent, (attour Feu-duties, Blench-duties, or other Duties due to the Superiors, and Miniſters and School-maſters-Stipends

pends, or Teind-Tack-duties) the Number and Quantitie of —— Chalders victual of the quality after-ſpecified, *viz.* —— and with the Met and Meaſure of ——, and that the ſame ſhall pay no leſs, (of the quality, and with the Met and Meaſure foreſaid) at her entry thereto (in caſe at the pleaſure of God ſhe ſurvive him in manner foreſaid) and that the Tenents ſhall acknowledge the ſame in Court upon Oath, and if any part of the ſaid free-rent ſhall be found defective, the ſaid *W. B.* binds and obliges him and his foreſaids, to make up the ſame to her, and to ſecure her ſufficiently in the equivalent of what ſo defective, out of the next adjacent Lands belonging to himſelf, payable to her yearly during her lifetime, with Cuſtoms and Services correſpondent thereto, and that at the Sight, and by the Advice of her Friends after-named, and to warrand her ſaid liferent-right, and Infeftments to follow thereupon, from all Incumbrances and grounds of Eviction whatſoever, at all Hands, and againſt all deadly: But it is hereby agreed and condeſcended, that albeit her ſaid Liferent and Joynture be made a free Rent, as to the particular Burdens above-mentioned; yet (and notwithſtanding thereof) ſhe is to be lyable for, and hereby (with conſent foreſaid) obliges her to ſatisfie and pay a proportional part of all Ceſſes, Taxations, Levies of Horſe and Foot, and other publick Burdens and Impoſitions impoſed, or to be impoſed upon the whole Eſtate effeiring and correſponding to what thereof liferented by her in manner foreſaid; And for the better clearing of her Proportion thereof, (and that no Debate or Controverſie may ariſe thereanent, or ſhe unneceſſarly a Sufferer by Quartering, Poynding, or otherways) the ſaid *W. B.* hereby obliges his Heirs and Succeſſors immediatly upon his own deceaſe, to divide with her in point of Valuation, as to their reſpective Intereſts and Concerns in the ſaid Eſtate, and that in Writ under both their Hands, to the effect the ſame may be Booked and Recorded in the Valuation-Books of the Shire, or other Juriſdiction where the ſaids Lands and Eſtate ly, and that at the ſight, and by the Advice foreſaid; And becauſe the ſaid *E. H.* her Liferent aforeſaid, is made up of Teind as well as Stock, ſo that ſhould the Tacks or other Rights of the ſaids Teinds expire during her Lifetime, ſhe will be thereby prejudged (and in ſo much ſhort of her Liferent) Therefore, (and as a Remedy againſt that Inconvenience) the ſaid *W. B.* (with conſent foreſaid) by thir preſents binds and obliges him and his foreſaids immediatly upon the expyring of the former Tacks or other Rights of the Teinds of the ſaids Liferent Lands, to obtain and procure a liferent-tack thereof in her perſon, at leaſt in their own Perſon, and to Tranſmit and convey the Right thereof in her perſon during her ſaid Lifetime, and whatever may be the Tack-duty, or whatelſe thereby to be impoſed by the Titular, or others having Right upon the ſaids Teinds, he obliges him and his foreſaids to relieve her therof, and diſ-burden the ſaids Teinds of the ſame during her ſaid Lifetime, ſo as her ſaid Liferent Lands and Teinds thereof may continue ſtill a free Rent to her, (except as to Ceſſes, Taxations, Levies, and other publick burdens) in manner after-rehearſed, and whatever Lands, Heretages, Tenements, Annualrents, Roums, Poſſeſſions, or heretable-Bonds, ſhall happen to be conqueſhed and acquired by the ſaid *W. B.* during the ſaid Marriage; He binds and obliges him and his foreſaids to provide the ſame as follows. *viz.* The one juſt and equal half thereof to himſelf, and his effidat Spouſe, the Longeſt-liver of them two in Conjunct-fee and Liferent, and to the Heirs-male lawfully to be procreat betwixt them; Which failzeing, to the ſaid *A. B.* and his other Heirs-male and of Tailzie above-ſpecified, and their Aſſigneys and the other juſt and equal half of the ſame to the ſaid *W. B.* and to the Heirs-male of the ſaid Marriage, which failzeing as ſaid is, and to take the Rights, Securities and Infeftments thereof from time to time conceived accordingly; And farder, the ſaid W. *B.* hereby provides the ſaid *E. H.* his

future Spouſe (in caſe ſhe ſurvive him, and that there be Heirs-male of the Marriage to ſucceed) to the juſt and equal Third-part, and if there be no Heirs-male thereof to ſucceed to the juſt & equal half of the hail Inſight & Pleniſhing of the Houſe, Utenſils and Domicils (Heirſhip excepted) and for her further Security there-anent, he hereby Diſpones the ſaid third, or half of the ſame (in the reſpective caſes, and with the exception foreſaid) in her favours, and with full and ample Power to her, (immediatly after his Deceaſe) to Retain, Intromet with, Uſe and Diſpoſe upon the ſaid third, or half (as the ſame falls out) at pleaſure; and that free of all Debt, or other Burden or Danger that may affect the ſame any manner of way: and whereof he obliges him and his foreſaids, to Warrand and Relieve her at all hands, Having, claiming or pretending to have Intereſt thereto, by whatſoever manner of way in time coming. And which Lands, Teinds, and others above-ſpecified, Liferented by the ſaid *E. H.* together with the Liferent of the ſaid half Conqueſt, and half or third of the ſaid Inſight, Pleniſhing, Utenſils and Domicils, (with the exception of the ſaid Heirſhip) ſhe (with conſent foreſaid) by thir Preſents accepts in full Contentation and plenary Satisfaction of all other Liferent, Conqueſt, Terce, third Executry, or what elſe ſhe may ask, ſeek or crave, by or through the ſaid *W. B.* her future Husband his deceaſe; or that her Executors, or neareſt of Kin, may any ways ask, ſeek or crave of her ſaid Husband or his foreſaids, or may fall to her ſaids Executors, or neareſt of Kin, by or through her deceaſe, when either of the ſaids caſes ſhall happen to occur, reſerving his own Good-will allanerly. And in reſpect, by the Reſignation and Infeftments aforeſaid, in favours of the ſaid *W. B* and Heirs-male of the Marriage; whilks failzieing of his other Heirs-male whatſoever, the Daughters, or Heirs of Line (if any be procreat therein) are excluded and debarred from the Right of Succeſſion in the ſaids Lands and Eſtate. (Yea, even of the Conqueſt it ſelf.) And it being juſt and reaſonable the Daughters be otherways provided (and to a certainty) according to their Degree and Quality: Therefore the ſaid W. B. (with conſent foreſaid, and failzieing of Heirs-male of the ſaid Marriage) be thir Preſents, provides the Daughters to be procreat therein, to the ſeveral Portions and Proviſions following, *viz.* If there be but one Daughter, to the Sum of —— *Scots* Money; and if there be two, the eldeſt to the Sum of —— Money foreſaid; and the ſecond to the Sum of —— Money above-written; and if there be three Daughters, the eldeſt to the Sum of —— the ſecond to the Sum of —— and the third to the Sum of ——. And if there be four or more Daughters procreat in the ſaid Marriage, the whole Danghters to the Sum of —— Money above-ſpecified, to be divided amongſt them, as two of the neareſt Friends on the Father ſide, and the like number of Friends on the Mother ſide (with Advice of the Father if on life for the time) ſhall think expedient; only the eldeſt Daughter in the diviſion, is to have a double Portion. And which reſpective Portions and Proviſions above-mentioned, the ſaid W. B. (with conſent foreſaid) be thir Preſents, faithfully Binds and Obliges him, his Heirs-male and Succeſſors, Executors and Intrometters with his Goods and Gear whatſoever, thankfully to content, pay and deliver to the ſaid Daughters, to be procreat in the ſaid Marriage, and according to the Diviſion aforeſaid, and to their Heirs and Aſſigneys, (ſecluding Executors) at their — years of Age, or Marriage, (which of them ſhall firſt fall out) with an hundred Merks, for each thouſand Merks of the ſaids Portions, of liquidat Expenſes in caſe of failzie, attour the ſaids Portions, and together therewith, and Annualrent after the ſaids Terms or times of payment, conform to the Act of Parliament during the not payment: And in the mean time, to Maintain them in Bed, Boord, Abulziements, and all other neceſſaries; and to Educat them ſufficiently

ficiently, and all according to their Degree and Quality, and until the ſaids Daughters, their ſaid Age or Marriage *reſpectivè*. And ſufficiently to ſecure the ſaids Daughters for payment of their ſaids Portions, Penalty and Annualrent, and for the ſaid Aliment and Education, at the ſight, and by the advice of the ſaid *E. H.* her Friends after-named, whereby they may not in the leaſt, be fruſtrat thereof, or prejudged thereanent any manner of way. And which Daughters and their Portions and Proviſions above-mentioned, are to be altogether free of all Debts, Dangers, Burdens and Inconveniencies whatſoever, that may any ways affect or burden them, or evict the ſame from the ſaids Daughters as apparent Heirs of Line, or otherways: And whereof, and of all Hazard, Trouble, Charges and Expenſes, that they or their ſaids Portions and Proviſions, may any ways ſuſtain, incur, or be lyable or obnoxious to. The ſaid W. B. alſo binds and obliges him and his foreſaids, to Warrand, Free, Relieve, Harmleſs and Skeathleſs keep, and every way Liberat and Disburden the ſaids Daughters and their foreſaids, and their ſaids Portions and Proviſions for now and ever. Likeas the ſaids Daughters, and the ſaid *A. H.* as Party-Contracter aforeſaid, hereby accept of their ſaids Portions and Proviſions (in the Terms above-expreſt) in full contentation and ſatisfaction of all other Executry, Legacie, Portion, Natural Bairns part of Gear, and what elſe they may ask, ſeek or crave, by or through their ſaid Father his deceaſe, (when the ſame at the pleaſure of God ſhall happen) reſerving his own Good-will allenarly, and but prejudice to the ſaids Daughters, of the benefit of their Birth-right and Succeſſion to the ſaids Lands and Eſtate, in caſe the ſame fall out by vertue of the ſaid Tailzie, and in the order and Terms thereof, as being no ways hereby paſt from, but reſerved to them, Conform to the tenor of the ſame in all Points. For the which Cauſes, the ſaid *A. H.* by thir Preſents, Binds and Obliges him, his Heirs, Executors and Succeſſors, and Intrometters with his Goods and Gear whatſomever, to content, pay and deliver to the ſaid *W. B.* his Heirs and Aſſigneys, (ſecluding Executors) al and haill the Sum of —— uſual Money of this Realm, in name of Dote and Tocher-good with the ſaid *E. H.* his eldeſt lawful Daughter, and that at the Term of *W.* next to come, but longer delay, with the Sum of —— Money foreſaid of liquidat Expenſes in caſe of Failzie, and that by and attour the ſaid Tocher, and together therewith; together alſo with the due and ordinar Annualrent and Profit of the ſaid Principal Sum, conform to the Act of Parliament, and that yearly, termly, and continually during the not payment thereof after the ſaid Term, but prejudice always to the ſaid *W. B.* and his foreſaids to ſute Execution hereupon for payment of the ſaids Sums at the ſaid Term appointed for that effect, or at any other Term or Time thereafter they pleaſe, notwithſtanding of the foreſaid Clauſe made anent payment of Annualrents; and which Tocher-good and Portion above-ſpecified, the ſaid *E. H.* (with conſent of her ſaid future Husband, and he for himſelf) with her conſent, and both of them with one conſent and aſſent, and taking Burden in and upon him for her,) hereby accept, in full contentation and ſatisfaction of all Executry, Legacy, Portion-Natural, Bairns-part of Gear, former Proviſions, and what elſe ſhe may ask, ſeek, or crave, or fall to her by or through her ſaid Fathers deceaſe, by whatſoever manner of way in time-coming, reſerving always his own Good-Will allanerly. And laſtly, It is hereby Provided, and expreſly Agreed to, and condeſcended upon, betwixt the ſaids Parties, that Execution ſhall paſs upon this preſent Contract, at the inſtance of the ſaid *A. H.* he being on life, and failzieing of him by deceaſe, at the inſtance of ——, or any one of them on life for the time, and failzieing of all of them by deceaſe of their, or any of their Heirs, or eldeſt Sons, againſt the ſaid *A. B.* and *W. B.* his Son, and their foreſaids, for Implement of their

part of this present Contract, in so far as they stand thereby bound and obliged, and is any ways introduced and conceived in favours of the said *E.H.* and Heirs and Bairns of the Marriage betwixt her and the said *W. B.* her future Husband, conform to the tenor thereof in all points. Consenting thir Presents be Registrat, *&c.* (*after this insert the Clause of Registration as in other Contracts, as also a Precept of Seasin for Infefting the Son and Spouse by way of Heretable State and Seasin and Liferent* respective, *in the Lands and others wherein both are concerned, and for Infefting the Son in the Barony and others wherein himself* (*not his Wife*) *are concerned*; *but before* in witnes whereof, *be sure to add these Words* (and that with and under the expreis Reservations, Provisions, Conditions and Limitations above-specified, and with the Burden of the paytnent of the Debts, and younger Children their Portions and Provisions above-mentioned, in manner and in the Terms and with the quality as to the said *E.H.* her Joynture as above-expreſt, and no otherways, *and then say*) In witnes whereof, the saids Parties have subscribed thir Presents (written by ——) with their Hands, Day, Month, Year of God, and Place *respective* foresaids, before thir Witnesses

Nota, *I have been the more full in this, because I resolve to insert no Contract of persons of Quality, least the persons themselves* (*even by the Initial Letters of their Names, Titles of Honour and Designations*) *may be known, and so the Subject-Matter and Condition of their Fortunes also, but give a short account of the Natures of Contracts of persons of Quality,* (*as for Example,*) *by some Contracts the Father gives not the Fee of his whole Estate to his eldest Son, but a Competency whereupon he and his Lady,* (*according to their Birth and Quality, may live comfortably and like themselves,*) *and in this case, as the Father reserves to himself such and such Mannor-places* (*for his own Residence,*) *and likeways probably the half of the Interest during life, so he likewise reserves to himself the Jurisdictions, Priviledges and Casualities thereof; as also the benefit of the Superiorities and Entering of Vassals, Liferent-Escheats,* (*and single if within a Regality,*) *with all the Compositions of the saids Entries and Escheats: But in the mean time, the Father not only accommodats his Son and the Lady sufficiently as to a Residence, Parks, Yards and Orchards, but also, that what given to them during the Wedlock and Marriage, for a present Subsistance, amounts to* ——, (*according to the Agreement,*) *and by a subscribed Rental given up, which the Father is bound to be the true Rental, as the Lands and others particularly designed in the Contract, payed for some years before, and at the time, and as to the Lady, secures her in a Joynture* (*by way of Annuity*) *payable yearly at a certain Term out of the whole, als well reserved to the Father in Liferent as conveyed to the Son in Fee. And at other times, the Father so complacent & well pleased with the Marriage, that* (*to put the Lady and her noble Freinds beyond all fear*) *he grants absolute Warrandice, and an Obligement to relieve the Son and the Lady, and the Heirs of the Marriage, of all Debts and real Incumbrances that may burden and affect either the Fee given to the Son, or Annuity granted to the Lady,* & ultra *grants real Warrandice for that effect in his other Estate. And so much as to that Point.*

But at other times, Conditions and Terms of Contracts alter, (*and of a contrary Strain,*) *for the Father gives to the Son the Fee of his whole Estate, reserving to himself what he judges convenient in Liferent, and with all the Jurisdictions, Escheats, and Entry of Vassals, and haill Benefit and Casualities thereof, and even reserves some Few-Duties and Blensh-*

Duties

Duties to make his Following the greater, and his Liferent the more entire; But as for other Superiorities (not ſo near,) he lets the Feu-Duties go to the Son, only reſerves the Juriſdictions, Eſcheats and Entries ut ſupra, *and withall reſerves ſuch Mannor-places, Office-houſes, Yards and Parks as he pleaſes, and Right and Priviledge of ſelling the Woods, and diſpoſing of the price thereof, Patronages, and the like: As alſo, he reſerves his own Ladies Liferent by Contract and additional, and liberty to dwell in what Mannor-place ſhe pleaſes, and benefit of the Office-houſes, Parks, Yards and Orchards belonging thereto during her Lifetime, (ſhould ſhe ſurvive;) and as to the young Lady, the Father and Son ſecures her in an yearly Annuity during life* ut ſupra, *and the conveyance of the Fee in favours of the Son, and of the Annuity in favours of his Lady, is by Procuratory of Reſignation, and Precepts of Seaſin, and in the cloſe of which Procuratory all the Reſervations are particularly inſert, & the Son is burdened with the payment of all the Fathers Debts, conform to a ſubſcribed Liſt, and the Father reſerves likeways Power to himſelf to burden the Eſtate with the payment of the Sum of —— Scots Money (and no doubt for the better Proviſion of ſome of his younger Children) payable at ſuch Terms as he ſhall think fit, and to grant Bonds and other Securities real or perſonal for the ſame bearing Penalties and Annualrent to, and after the Terms during the not Payment, and with and under the which Reſervations, Proviſions, Declarations, Limitations, Reſtrictions, Power and Faculty, the Contract is entred into Reſignations and Infeftments appointed to follow thereupon, and all appointed to be inſert therein, and no otherways. And this Contract alſo contains Warrandice, a Right to the Writs and Evidents, Tacks, and Rights of the Teinds, and Mails and Duties, and the whole Writs given to the Son upon Inventar; and the Contract contains likeways Precept of Seaſin, and many moe good and fine Clauſes, and the Son Infeft by Reſignation, but the Lady by the Precept of Seaſin, and confirmed in my Lords own Charter of Reſignation.*

CONTRACT *of Marriage betwixt* A. B. *Merchant Burges of* ——, *and* J. D. *of* ——, *lawful Daughter to* W. D. *of* —— *(for his Deſignation.)*

AT —— the —— day of —— —— years. It is Appointed, Contracted, Finally, and Matrimonially Agreed and Ended betwixt the Parties following; *They are to ſay*, *A. B.* Merchant Burges of —— on the one part, and *J. D.* —— lawful Daughter to *W. D.* ——, with the ſpecial Advice and Conſent of her ſaid Father, and the ſaid *W. D.* for himſelf, with her Conſent, and both of them with one Conſent and Aſſent, and he taking Burden in and upon him for her, to the effect after-ſpecified, on the other part, in manner following; *That is to ſay*, The ſaids *A. B.* and *J. D.* (with Conſent foreſaid) have Accepted, and by thir Preſents accept each of them others for their lawful future Spouſes, and faithfully promiſe and bind and oblige them to perform, ſolemnize and accompliſh the holy and honourable Bond of Matrimony with one another, in face of Holy Kirk, (as Gods Word doth approve and allow,) and that betwixt the date hereof, and the —— day of —— ——, or ſooner, as the ſaids Parties ſhall think convenient. (6) *In contemplation* of the which Marriage, the ſaid *A. B.* by thir preſents, faithfully binds and obliges him, his Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid *J. D.* his eſtimat Spouſe in Liferent, during all the days of her lifetime, in all and haill his Tenement of Land, Shop, Booth and Yard after-ſpecified

cified after-ſpecified, lying within the ſaid Burgh of ——, (*here take in the Tenement, Shop, Yard and Booth, as deſigned and bounded by the Infeftment, and then ſay*) and als in all and haill (*here inſert the Salmond-Fiſhing as deſigned in the Infeftment thereof, and then ſay*) and that in manner under-written, *viz.* in the ſaid Tenement of Land, Yard, Shop, and Booth, with the Pertinents, by Reſignation in manner after-mentioned, to be holden of his Majeſty and Royal Succeſſors, in free Burgage, in manner after-expreſt, and in the ſaid Salmond-Fiſhing, Priviledges, and Pertinents thereof, by double Infeftments and manner of Holdings, the one thereof to be holden of the ſaid *A. B.* and his foreſaids, in free Blenſh, for payment of an Penny *Scots* Money at the Feaſt of *Whitſunday* yearly, (in name of Blenſh-Farm,) if it be asked allanerly; and the other of the ſaids Inſeftments to be holden from them of the Provoſt and Baillies of the ſaid Burgh of ——, (for themſelves, and as repreſenting the Body and Community thereof,) ſicklike and als freely in all reſpects as the ſaid *A. B.* holds, or may hold the ſame himſelf; and by Reſignation or Confirmation in their option, (the one but prejudice of the other,) and to grant all Rights requiſite and neceſſar thereanent, and for eſtabliſhing the Right of Succeſſion of the ſaids Tenement, Yard, Shop, Buith, and Salmond-Fiſhing, with the Pertinents, in favours of the Heirs of the ſaid Marriage, whilks failzieing, of the ſaid *A. B.* his other Heirs and Aſſigneys whatſoever, Heretably and Irredeemably, in manner and in the terms after-rehearſed, and upon the ſaid *A. B.* and his foreſaids, their own proper Charges, Moyen and Expenſes, and with Warrandice, as is hereafter-expreſt. And for the better obtaining of the foreſaid Infeftment by Reſignation, (but prejudice of the other Infeftment above-written of the ſaid Salmond-Fiſhing,) the ſaid *A. B.* by thir Preſents, makes, conſtitutes, and ordains ——————, or any one of them, conjunctly and ſeverally, his very lawful, undoubted, and irrevocable Procurators, Actors, Factors, and ſpecial Errand-Bearers, to the effect after-ſpecified, giving, Granting and Committing to them, conjunctly and ſeverally as ſaid is, his very full, free, plain Power, expreſs bidding, Mandat and Charge for him, in his name, and upon his behalf, to compear before the ſaid Provoſt and Baillies of the ſaid Burgh of —— (as before his Sacred Majeſty and Royal Succeſſors, lawful Superiors of the ſaid Tenement, Yard, Shop and Booth, with the Pertinents) And ſicklike to compear before the ſaid Provoſt and Baillies of the ſaid Burgh, or their Succeſſors in Place and Office, for themſelves, and as Repreſenting the whole Body and Community of the ſaid Burgh, immediat lawful Superiors of the ſaid Salmond-Fiſhing, Priviledges and Pertinents of the ſame, and that any day and place lawful and convenient; and there, with all due Humility and condign Reverence, as becomes purely and ſimply; by Staff and Baſtoun (as uſe is) to Reſign, Surrender, Over-give and Deliver: Likeas the ſaid *A. B.* by thir Preſents, Reſigns, Surrenders, Over-gives and Delivers, all and haill the foreſaid Tenement of Land, Back and Fore, High and Low, Under and Above, with the Yard and Pertinents, and the ſaid Shop and Booth, all Lying and Bounded in manner above-mentioned, (and here holden as for expreſt *brevitatis cauſa*) And als all and haill the foreſaid (*here inſert the Salmond-fiſhing as above deſigned, and then ſay*) and all pertaining heretably to the ſaid *A. B.* in the hands of the ſaid Provoſt and Baillies of —— preſent or to come, as in the hands of his Majeſty and Royal Succeſſors, for what holds Burgage as ſaid is; and for themſelves, and as repreſenting the Body and Community of the ſaid Burgh, as to the ſaid Salmond-fiſhing, Priviledges and Pertinents thereof, above-ſpecified, in favours, and for new Infeftment of the ſame Tenement, Yard, Shop, Booth, Salmond-fiſhing, and others above-reſigned, with the Priviledges and Pertinents thereof, to be made and granted to the ſaid *A. B.*

and

and the ſaid *J. D.* his future Spouſe, the longeſt Liver of them two in Conjunct-fee and Liferent, and to the Heirs lawfully to be procreat betwixt them; Whilks failzeing, to the ſaid *A. B.* his other Heirs and Aſſigneys whatſoever heretablie, to be holden in manner under-written: The ſaid Tenement, Yard Shop and Booth, with the Pertinents, of his Majeſty and Royal Succeſſors, in free Burgage, for ſervice of Burgh uſed and wont; and the ſaid Salmond-fiſhing, Priviledges and Pertinents thereof, of the ſaid Provoſt, Baillies and Council of the ſaid Burgh of —— and their Succeſſors in Place and Office for themſelves, and as repreſenting the Body and Community thereof, in manner above-expreſt; And in ſuch due and competent Form as accords, Acts, Inſtruments and Documents, one or moe, as need bees in the Premiſſes, to Ask and Raiſe, and generally all and ſundry other things thereanent, to do, uſe, and exerce, ſicklike and as freely in all reſpects, as the ſaid *A. B.* might do therein himſelf if he were perſonally preſent; promiſing to hold firm and ſtable *&c.* And the ſaid *A. B.* hereby binds and obliges him and his foreſaids, to warrand this preſent Right, Reſignations and Infeftments to follow thereupon, Tenement, Yard, Shop, Booth, Salmond-fiſhing, Priviledges and Pertinents of the ſame above-mentioned to the ſaid *J. D.* and Heirs of the ſaid Marriage, from all Incumbrances and grounds of Eviction whatſoever, in all time-coming, at all Hands, and againſt all deadly, and for the ſaid *J.* D. and Heir of the ſaid Marriage, their farder Security thereanent; The ſaid *A.B.* hereby aſſigns, Transferrs and Diſpones in their favours (for the ſaid *J.* D. her Liferent-uſe allannerly) and as to the Heirs of the Marriage (if they exiſt) for the Fee, the Writs and Evidents of the ſaid Tenement, Yard, Shop, Booth, Salmond-fiſhing and others foreſaids made to him, his Predeceſſors, Cedents and Authors of and concerning the ſame, and all Action competent hereon for ever, and conſtitutes the ſaid *J.* D. in Liferent, his Aſſigney to the Mails, Profits and Duties thereof, of the firſt Term wherein he himſelf ſhall happen to deceaſe (in caſe ſhe ſurvive him) and yearly and termly thereafter, during her Lifetime, and all Action competent thereupon alſo forever, With full power to the ſaid *J. D.* (in caſe ſhe ſurvive as ſaid is) to intromet with, and uplift the ſaids Mails, Profits and Duties, and to diſpoſe thereon at pleaſure, and to Charge and purſue therefore before any Judge competent, Set and raiſe Tennents, uſe Warning, proſecute Removing, Decreets in the Premiſſes to obtain and recover, and the ſame to due Execution cauſe be put, and to do what elſe the ſaid *A. B.* might do therein himſelf if he were on life, And the ſaid *A. B.* obliges him and his foreſaids to warrand the ſaid Aſſignation and Right to the ſaids Writs and Evidents at all Hands, and the ſaid Aſſignation to the ſaids Mails and Duties, from his own proper Fact and Dead allennarly, and to warrand and relieve his ſaid future Spouſe, of all Ceſſes, Taxations, and all other publick Burdens whatſoever, due and payable furth of what provided to her in Liferent in manner foreſaid, of all years, terms and Months preceeding her Entry thereto (in caſe ſhe ſurvive him as ſaid is) And whatever Lands, Heretages, Tenements, Annualrents, Roums, Tacks and Poſſeſſions it ſhall happen the ſaid *A. B.* to conqueſt and acquire during the ſaid Marriage, he binds and obliges him and his foreſaids, to provide the one juſt and equal half thereof to, and to take the Rights and Securities thereof, conceived in favours of himſelf and the ſaid *J.* D. his future Spouſe, the longeſt Liver of them two in Conjunct-fee and Liferent, and to the Heirs lawfully to be procreat betwixt them: Whilks failzeing as ſaid is, and to provide the other juſt and equal half of the ſame to, and take the Rights and Securities thereof conceived in the perſon of himſelf, and Heirs of the ſaid Marriage: Whilks failzeing, to the ſaid *A. B.* his other Heirs above-ſpecified, and their Aſſigneys. And farder, the ſaid *A.B.* hereby provides his ſaid future Spouſe

in caſe there be Children of the Marriage ſurviving the Father, to the Third, and if not, to the half of the Inſight and Pleniſhing of the Houſe (Heirſhip excepted) and which Third or Half in the reſpective caſes (and that ſhe ſurvive him) he by thir preſents aſſignes and diſpones in her favours, and with power to her upon his deceaſe, to Retain, Intromet-with, Poſſeſs, uſe and diſpoſe thereupon at pleaſure, and as her own proper Goods and Gear; and without being lyable to any Debt, whereof he obliges him and his foreſaids, to relieve her: And which Liferent-proviſion above-ſpecified, together with the Liferent of the ſaid half Conqueſt, and Third or Half of the ſaid Inſight, Pleniſhing, (in the reſpective caſes excepting Heirſhip as ſaid is) the ſaid *J.* D. (with conſent foreſaid) hereby accepts in full Contentation and Satisfaction of all other Conjunct-Fee, Liferent, Terce, Executory, and what elſe ſhe can any ways ask, ſeek or crave, by, or through the deceaſe of her ſaid Husband (reſerving his own good will allennarly) For the whilks Cauſes, the ſaid *W.* D by thir preſents faithfully binds and obliges him, his Heirs, Executors and Succeſſors, and Intrometters with his Goods and Gear whatſoever, to content pay and deliver to the ſaid *A. B.* his Heirs and Aſſigneys (excluding Executors) the Sum of — *Scots* money (in name of Dot and Tocher-good, with the ſaid *J.* D. his Daughter) and that betwixt the date hereof and the Feaſt and Term of — next to come, but longer delay, with the Sum of — money foreſaid of liquidat Expenſes in caſe of failzie (attour the ſame, and together therewith) together alſo with the due and ordinary Annualrent of the ſaid principal Sum, conform to the Act of Parliament, and that yearly, termly and continually, during the not payment thereof after the ſaid Term; but prejudice always to the ſaid *A.* B. and his foreſaids, to ſute Execution hereupon for payment of the ſaids Sums at the ſaid Term, or at any other Term or time thereafter they pleaſe; Notwithſtanding of the foreſaid Clauſe made anent payment of Annualrents: And which Tocher-good above-ſpecified, the ſaid *J.* D. with conſent of her ſaid future Husband (and he taking Burden in and upon him for her) by thir preſents accepts in full Contentation of all other Proviſion, Executrie, Portion natural, Bairns-part of Gear, and what elſe ſhe may any ways ask, ſeek or crave, by or through the deceaſe of her ſaid Father by whatſoever manner of way; And whereof ſhe and her ſaid future Husband, hereby diſcharges him and his foreſaids for now and ever (reſerving his own Good-will allannerly) And it is hereby Declared, and expreſly agreed to, and condeſcended upon betwixt the ſaids Parties, that Execution ſhall paſs hereupon, at the Inſtance of the ſaid *W. D.* the Father (he being on life) and failzeing of him by deceaſe, at the Inſtance of — as Friends nominat for that effect, or of any one of them on life for the time; And failzeing of all of them by Deceaſe, at the Inſtance of their, or either of their Heirs, or eldeſt Sons againſt the ſaid *A.* B. and his foreſaids, for Implement and fullfilling of his part of this preſent Contract, in ſo far as the ſame is introduced and conceived in favours of the ſaid *J.* D. and Heirs of the Marriage; Conſent thir preſents be Regiſtrat, *&c.*

The next thing inſiſted upon, is, a Contract of Marriage betwixt a Burgeſs, whether Merchant or Tradſman, being a Heretor of Tenements, Shop, and Booths, within a Royal-burgh, which hold of the King in Libero Burgagio, *or a Heretor of Salmond-fiſhing within the Territory of the Burgh commonly called* Coble-fiſhing, *Net, Ours, or the like, or Milns, which holds of the Magiſtrats and Community, and their Succeſſors in Place and Office Feu) on the one part, and a Gentlewoman whom he is to Marry on the other part, and whether it be of the one holding* Burgage, *or the other holding Feu, it is all one, for the Stile as ſet down tryſts with both*

both, and ſhould Matters (as they ſtand) tryſt but with one of the ways, the Writer has no more to do than to omit the other, and ſo I ſet down.

Nota, *The former Obſerve ſhould have been before the Contract Page* 733.

Nota, The next thing propoſed is, an Contract of Marriage betwixt two Parties, and where the young Gentleman has no Heretage, but Mony, and to be the more curt therein, I ſhall ſuppoſe the perſons to be thoſe in the Contract immediatly above-written.

CONTRACT of Marriage betwixt A. B. *Merchant Burges of* —— *and* I. D. —— *lawfull Daughter to* W. D. ——

AT — the — day of — — years, it is appointed, Contracted finally and Matrimonially Agreed and Ended betwixt *A. B. &c.* (*here take in the Preamble of the former Contract untill ye come to the figure* (6) and then ſay in Contemplation of the *Whilk* Marriage, the ſaid *A. B.* by thir preſents faithfully Binds and Obliges him, his Heirs, Executors and Succeſſors, and Intromettors with his Goods and Gear whatſoever, to provide and have in readineſs of his own proper Means and Eſtate, *All and haill*, the Sum of ——— *Scots* Mony, and that betwixt the Date hereof, and the Feaſt and Term of — next to come, but longer Delay, and to Ware, Beſtow and Imploy the ſame, (with the Tocher-good after-ſpecified, making up in the haill the Sum of ——— Mony foreſaid) upon well-holden Land and in a convenient place within this Kingdom, or upon Bond or other ſufficient Security, in reſponſal Mens hands for Annualrent, (at the Sight, and by the Advice of the ſaid *W. D.* he being on Life, and failzieing of him by Deceaſe of —— as Friends nominat for that effect, or any one of them on life for the time, and failzieng of all of them by Deceaſe of their, or either of their Heirs, or eldeſt Sons) to be furthcoming to the ſaid *A. B.* and the ſaid *I. D.* his future Spouſe, the longeſt Liver of them two in Conjunct-Fee and Liferent, and to the Heirs lawfully to be procreat betwixt them, Whilks failzieing to the ſaid *A. B.* his other Heirs and Aſſigneys whatſoever, and how oft it ſhall happen the foreſaid Sum to be uplifted, to re-imploy the ſame als oft of new again, in manner, to the Effect, and by Advice, and at the ſight above-ſpecified, (*after this take in the Clauſe of the Conqueſt*, the Wifes Proviſion as to the Houſhold Pleniſhing, and other Clauſes in the former Contract, as to the payment of the Tocher-good and all *uſque ad finem*, only whereas in the former Execution, is appointed to paſs at the inſtance of ſuch perſons, in this Contract make it only at the inſtance of the perſons above-named, becauſe the Mony is to be imployed at their Sight, and ſo being once named, Repetitions are needleſs) and then follows the Regiſtration, according to the Stile of Contracts.

Nota, *In ſome Contracts, not only the certain Proviſion of the Mony, (I mean the Tocher and what obliged to be adjoyned thereto) but alſo the very Conqueſt are taken and conceived in favours of the Heirs and Bairns of the Marriage, which I think ſingular, (there being thereby no diſtinction betwixt the Heir and the youngeſt Child) and therefore (at times) I have made the Proviſion of the Mony, in favours of the Heirs of the Marriage, but the Conqueſt to the Heirs and Bairns, whereby the Heir was thereby ſtated in ſome more than the younger Children, and ſeemed reaſonable, becauſe of his Preference by Birth.*

I have alſo ſeen in ſome Contracts, that failzieing of Children of the Marriage the Tocher and Mony to be adjoyned by the Husband, (albeit more than the Tocher) was appointed and deſtinat by the Subſtitution to appertain, accreſs and belong to the Husband, and his Heirs and Aſſigneys, and to the Gentlewoman, and her Heirs and Aſſigneys by equal halfs; and at other times the Tocher was only appointed to return and revert to the Wife, and her Heirs and Aſſigneys, (after the Husbands Deceaſe) and

at other times, at the first Term after the Wifes Deceaſe, (which was hard,) and no gratification for the loſs of his Wife and Children, (if any procreat) and all the Expenſe in Courting, Maintaining of the Family and Burials. and at other times carried Expenſes in caſe of Failzie, and Annualrent thereafter, during the not payment, yet harder.

I have alſo ſeen in ſome Contracts, (below the Degree of Noblemen and Gentlemen of Quality) where the Tocher was not accepted in contentation of all other Proviſion, &c. that might be expected, or fall by the Fathers Deceaſe, but on the contrair the Daughter declared to remain and continue a Bairn of the Houſe ſimpliciter, and without any Qualification or Reſtriction, and at other times that Benefit was qualified (thus) the reſt of the Children being firſt provided to alſmuch as the Daughter married had in Portion, and thereby all became equal; but in theſe and like caſes, Contracts muſt be drawn as Matters are concerted betwixt Parties, where the Writter ſhould always be impartial, and not furder intereſſed than the pure and genuin communing of Parties, which ſhould be always his Rule.

In Contracts betwixt an Noblemans Son (or other Gentleman) and an Heretrix, the Eſtate goes by an procuratory of Reſignation in the Superiors hands for new Infeſtment, to the Noblemans Son (or Gentleman) and the Heretrix, and to the longeſt Liver of them two in conjunct-Fee and Liferent, and to the Heirs-male, (and ſometime to the Heirs whatſomever) lawfully to be procreat betwixt them, whilks failzieing the Fee ſometimes terminats upon the Husband and his other Heirs and Aſſigneys, and at other times terminats upon the Ladys other Heirs and Aſſigneys, and at other times, (if the Eſtate was Tailzied to other Perſons, failzieing of Succeſſion of the Maker of the Tailzie his Body) then that Tailzie is obſerved in the Subſtitution, not but if the Lady pleaſe (if there be no Proviſion in the Tailzie to the contrary, and an Amiſſion and Tinſel of the Eſtate, in caſe of Contravention) ſhe may by a new Procuratory alter the Tailzie, and Terminat the Fee upon the Husband and his other Heirs, (failzieing of Succeſſion of the Marriage) and I have ſeen it, but failzieing of Heirs of the Marriage or of the Ladies Body in any other Marriage, and that thereby the Eſtate devolve upon the Husband, and his other Heirs; the ſaids Heirs were always to be of the Ladies Sirname, and to carry and bear the Arms, Cognizance, and Stile of her Familie (alſwel as the preſent Husband and Deſcendants of his Bodie in the preſent Marriage, or of her own Body in any other Marriage) and in caſe (failzieing of Heirs-male of the preſent Marriage,) the Eſtate deſcended to, and devolved upon the Heir, whatſomever procreat therein, then the eldeſt Daughter was not only preferred. (and without Diviſion) to the Succeſſion, but alſo ſhe obliged to marry a Gentleman of the Name, or a Nobleman or Gentleman who (and Deſcendants of his Body in the ſaid Marriage,) ſhould aſſume the Name, and carry and bear the Arms, Cognizance and Stile of the Family, and if they contraveened, to amit and tine the Right of the Eſtate, and to deſcend to the next in Blood, and in order of Succeſſion with the ſame Proviſions and Quality; and this Contract bears that they ſhall not ſell, diſpone, Wodſet, grant Rights of Annualrent, or contract Debt, or do or commit any other Fact or Deed, whereby the Eſtate may be any ways appryſed, adjudged, evicted or forfeited, in prejudice of the Tailzie or next in Succeſſion, and all which Deeds are not only declared void and null, but the Contraveeners amit and tine their Right of the Eſtate, and ipſo facto deſcends and devolves upon the next in Blood and order of Succeſſion; who (in caſe of Contravention) are allowed to purſue and oblige the Contraveeners to denude themſelves of all Right and Pretence they have to the Eſtate in favours of the next Heir and order of Succeſſion, and that by way of Declarator, Adjudication or otherways, as may beſt conſiſt with the Laws and Cuſtom of the Kingdom in the like caſes, and farder if for any Debts contracted they ſuffer the Eſtate to be appryſed or adjudged, they are bound to redeem the ſame with in year and day, (and ſometimes two years,) before expiration of the Legal, and if they faill therein, the next in order of Succeſſion may do it, and poſſeſs the Eſtate untill repayed of what advanced, for acquiring the ſaids Appryſings or Adjudications cum intereſſe & omni alio damno, and declared to be no furder liable than Actual Intromiſſions, but at other times Tailzies are more ſtrict, and the Contraveener amits and tines the Eſtate plenarie, without they redeem the Appryſings or Adjudications within the time prefixt, only the next in order of Succeſſion, (albeit by the Privi-

ledge

ledge and Latitude given them by the Tailzie) may and do redeem, yet can make no other uſe of theſe Acquiſitions than to fortifie and ſtrengthen, and Roborative of their other Rights and Title to the Eſtate, and ſtill obnoxious to all the irritancies of the Tailzie, (in caſe of Contravention) but the Males ſucceeding to the Eſtate, may provide their Ladies to competent Liferents, and their younger Children to competent portions not exceeding (in either) the Bounds and Limits prefixed in the Tailzie, and likeways if a Female ſucceed may provide her Husband to a Liferent, and younger Children to Portions, not exceeding (in either) the Quota and ultimum quod ſic *preſcribed by the Tailzie, which (in all the parts thereof) muſt be obſerved, and the ſame or Order of Succeſſion not to be innovat, hurt or infringed, elſe the Contraveener amits and tines the Right and Benefit of the Eſtate* ut ſupra, *theſe and many other things have I ſeen in Tailzies of great Import, and refers you to the two Signatures, the one page* 581. *and the other page* 600.

There be at times, an Contract of Marriage betwixt an Lady of Honour a Liferentrix of a conſiderable Proviſion a year, and an Nobleman at the time, under Incumbrances: (not without Hope of Recovery as to his State and Condition in a World) and the Lady having Affection for him ſtept over them Difficulties; but in the mean time, and to guard againſt theſe Inconveniencies in the Contract reſerved per expreſſum, *to her ſelf the whole Dominion and Power of her Jointure, and what elſ belonged to her, with Power to her to diſpoſe thereof at her pleaſure, alſ well during the Wedlock as afterwards, (ſhould ſhe ſurvive) and exclude the Husbands* jus mariti *and all his Creditors, and he upon the other part diſcharged the ſame, and all Intereſts not only* jure mariti, *but of the Law to which he might pretend Right in her favours perſonally, and with Power to her by her ſelf, alone (and without his Conſent) to diſpoſe thereof, and to ſet and raiſe Tenments, uſe Warnings, Grant Tacks for what ſpace and years, and to whom, and for what Tack-duty, Cuſtom and Services ſhe judged expedient, and to grant Diſcharges thereupon which ſhould be ſufficient to the Receivers, and ſicklike and alſe freely in all Reſpects, and to all Intents and Purpoſes as if he actually conſented, yea as if ſhe were a ſingle perſon, and the* Marriage *never entered into or conſumat, but the Lady made no bad uſe of her Power, having imployed the Rent for Payment of Debt yearly: other Ladies again reſerved but the half in Terms aforeſaid.*

Others again not only reſerved *ut ſupra*, but by the Contract it was provided agreed to, and condeſcended upon, that ſhe might live in Family with her Husband, or els where within or without the Kingdom, at pleaſure, and to diſpoſe of her own Rents where ſhe pleaſed to have her Reſidence for the time, and all which the Husband ratified, ceded to, and obliged never to quarrel or impugn the ſame, or come in the contrair, and perſons nominat at whoſe Inſtance, Execution might paſs for Implement.

Other Ladies again before Contract or Marriage, (to guard againſt ſuch Inconveniencies) diſponed the Jointure to a Friend who gave Backbond to her, only for her perſonal Aliment, (live where ſhe pleaſed, within or outwith the Kingdom, and ſecluding all Aſſigneys and *jus mariti*, (ſhould ſhe marry) and all her Husbands Creditors) and ſhould the ſame be contraverted, the Backbond to be null, and the ſubject Matter to revert, and return to himſelf as if never granted, a moſt intire Truſt, and repoſe, at Will in the Friend.

I have ſeen an other Contract, (and was Writter of it) by which the Husband [being married formerly] provided the Wife in Liferent, and Children of the Marriage in Fee to a certain Sum, and to the whole Conqueſs of the Marriage in Liferent and Fee as ſaid is; and albeit there were Children procreat, yet afterwards deceaſing, [and little appearance of moe] the Husband having ſeveral Children of the firſt Marriage, and having made Conqueſs [during the firſt, and alſo during the time of the ſecond Marriage, and being a very honeſt man, and deſirous to ſettle Affairs, and red the March betwixt his Children of the firſt Marriage and Wife of the ſecond, to prevent after Debates) he falls upon this Method [and moſt imitable] as now

circumſtantiat) he puts his Wife in Liferent of ſeveral Sums due to him by Bond, to the extent of the particular Sum, obliged to in the Contract, and the Children of the firſt Marriage (as it pleaſed him to divide) in the Fee thereof, and by an other Right puts her in *Liferent*, and the Children of the firſt Marriage in Fee of other Sums due to him by other perſons by Bond, and to the full extent of all the Conqueſt, during the ſecond Marriage, and by the firſt Right declared the Sums wherein he put his Wife in *Liferent*, to be in contemplation and ſatisfaction of the particular Sum obliged to, (as a Meeting to the Tocher) by the Contract of Marriage and by the other Right declares her *Liferent* of theſe Sums, to be in contemplation of the *Liferent* of the Conqueſs, but as he was not able to give ſo great Portions to the Children of the firſt Marriage (ſhould Children afterwards be procreat in the preſent Marriage) ſo (to guard againſt that Inconvenience) he reſerved not only the Liferent of the whole Sums to himſelf, during life, but alſo a Power and Faculty, at any time in his lifetime, (*etiam in lecto ægritudinis & in articulo mortis*) to upplift the Sums, and either diſcharge or aſſign them and that by himſelf alone, and without Conſent of Wife or Children, or the Childrens Heirs, *&c.* or of the Childrens Tutors or Curators if Minors, or of their Husbands if married, and by that Faculty put himſelf in Capacity, (if any Children procreat afterwards in the preſent Marriage) to alter what done by the former Rights, and provide all as he might beſt (and ſo a good ſafeguard,) and ſhould there be no Children of the preſent Marriage, the Children of the firſt Marriage were obliged to adhere to, and not quarrel one anothers Proviſions & Rights made or to be made by the Father, & even the Rights made to the Children of the firſt Marriage being all Females was to themſelves and Heirs of their Bodies, or Aſſigneys by Contract of Marriage, and failzieing of any of them by deceaſe without Heirs of their Bodies or Aſſignation made by Contract of Marriage, the Portion of the Daughter deceaſt was tailzied and entailzied upon the ſurviving Daughters and their Heirs and Aſſigneys, and the not delivery of the Writs and Rights in his own lifetime, but there being in his own cuſtody, or given to a Confident for their uſe declared to be no nullity or ground of Reduction, but diſpenſed with.

The next ſubject matter propoſed, is there be two Gentlemen that have conſiderable Eſtates, but each of them have a part thereof, remote from, and diſcontiguous to their Principal Eſtate, or Manor-place, and yet contiguous to the other Gentlemans principal Eſtate, whereupon they fall upon the Excambion of theſe Lands, ſo diſcontiguous for the Accomodation and Conveniency of both Parties, as to the Stile whereof, I muſt in the firſt place ſhew what I have ſeen of ancient Stiles in ſuch Excambions, *viz.* the one whom I call A. B. of —— by a particular Diſpoſition, diſponed his Lands of *W. &c.* to I, H. of —— in Excambion of the Lands of *M. &c.* diſponed by the ſaid I. H. to the ſaid *A.* B. by Diſpoſition of the ſame Date; but with this Proviſion that in caſe of Eviction of the ſaids Lands of M. *&c.* from the ſaid A. B, or his Heirs, Succeſſors and Aſſigneys in any time coming, then and in that caſe the ſaids A. B. and his foreſaids ſhall have free Regreſs, Ingreſs and Acceſs in and to the ſaids Lands of W. *&c.* diſponed by him to the ſaid I. H. in Excambion thereof, at leaſt ſo much of the the ſame as will correſpond, and be effeiring in Quantity, Quality and yearly Duty to the Eviction, and at the firſt Term after the ſaid Eviction, and that *brevi manu* at their own hand, without any hazard of ejection or peril of Intruſion to be incurred by them therethrough, and but any neceſſity of Warning, Decreet of Removing, Declarators or others to preced thereupon, after this followed, the Obligment to infeft Procuratory of Reſignation, abſolute Warrandice, and to which was annexed, that Proviſion of making Intimation to the ſaid Diſponer of any Action of Eviction that ſhould be intended, (at leaſt before Litiscontestation in the cauſe) that they may compear, concur and defend therein, and to make all the Writs delivered upon Inventar furth coming for that effect,) Aſſignation to the Writs and Evidents, Mails and Duties, and to relieve of Ceſs, *&c.* Stipends *&c.* and the like, Regiſtration and Precept of Seaſin.

Nota

Nota, *That e. contra I. H: diſponed his* Lands *of* M. &c. *to the ſaid* A. B. *in* Excambion *of the* Lands *of* W. &c. *diſponed by the ſaid A.* B. *to him, with the ſame Recurrency to his own* Lands, *in caſe of Eviction, and in the very and preciſe Terms and Stile above ſet down* mutatis mutandis.

But my Maſter Mr. John Bane *of* Pitcarly *was ever of the opinion, that as this of double Diſpoſition & in ſeveral Papers were tedious, ſo there was an inconvenience in it, for if Action of Eviction were intented, and that Eviction actually followed, the Party (whoſe Land was evicted) was not Maſter of the Diſpoſition granted by himſelf, (and in which that Condition and Proviſion of the Recurrency was comprehended) and ſo an abſolute Neceſſity (even notwithſtanding of the other Proviſion in the Right upon the Eviction to recurr, and poſſeſs* brevi manu, &c. *to uſe Warning, and obtain Decreet of Removing, & Declarator, and therefore (and to prevent this Inconvenience) my Maſter made the* Excambion *by way of* Contract, *and approven by Sir* John *and* Sir Andrew Gilmors, *and Sir* John Nisbet *when Advocats, and were known to be great and eminent* Lawers *in their time,) and as it proves a more laconick Stile, ſo it obviats the former Inconvenience, becauſe the* Contract *bears the Quality and* Condition *of the Right, and power to recurr, and the* Extract *of the Decreet of Eviction proves* in quantum *evicted, that the Recurrency may be coreſponden', and now having given you the difference twixt Stiles, and the good of the one and the Inconvenience of the other, I in the next place (and curſly ſet down an Stile of an* Contract *of* Excambion, *in Imitation of* Pitcarly, (*as he was a great* Pen-man) *but Men may choiſe either way as they pleaſe, and as adviſed by* Laweyers.

CONTRACT *of Excambion of* Lands, (hinc inde) *betwixt* A. B *of* --- *and* I. H. *of* --- *for the conveniency of both Parties, and judging both* Lands, *to hold Feu or blanſh, not Ward ſimple or Taxed.*

AT — the --- day of — --- years it is appointed, contracted finally agreed and ended betwixt the Parties following, they are to ſay *A. B.* of --- and *I. H.* of — on the one and other parts, in manner following, that is to ſay, *Foreſameikle*, as theſaids Parties conſidering, that their reſpective Lands after-ſpecified. diſponed by them to one another, are remote from their other and greater Eſtates and that therethrow they judge it moſt proper and expedient [for the good and convenience of both and of their Heirs and Succeſſors] to enter into and make the Right and Conveyance after-mentioned, by way of Excambion, Exchange and Permutation, in manner, in the Terms, and with and under the expreſs Conditions, Proviſions Declarations and Power and Liberty of Recurrency, each Party to their own proper Intereſt, now diſponed in the caſe of eviction, as is hereafter expreſt, therefore (and in order thereto] the ſaid *A. B.* for Implement and fullfilling of his part of the ſaid propoſed, Tranſaction, and Excambion, & reſolved upon, has ſold. Annalzied and diſponed, and by thir preſents ſells, annalzies and diſpons to and in favours of the ſaid *I. H.* and Heirs-male of his Body, whilks failzieing of his other Heirs-male and of Tailzie ſpecified and contained in the Rights and Infeftments of his other Lands and Eſtate of — [here holden as for-expreſt *brevitatis cauſa*, and declared to be als ſufficient as if herein particularly mentioned and ſet down, albeit not ſo done whereanent, diſpenſes for ever] and their Aſſigneys heretably and irredeemably, all and haill the ſaid *A.* B. his Lands of *W. &c.* lying within the Parochin of --- and Sheriffdom of --- in Exchange, Permutation and Excambion of the other Lands and others after-ſpecified, diſponed by the ſaid *I. H.* to him in manner after-mentioned, and ſicklike the ſaid *I. H.* [in order to the ſaid Excambion, and for implement and fullfilling of his part of the ſaid Tranſaction propoſed, and now reſolved upon thereanent] by thir preſents ſells, annalzies and diſpones to the ſaid *A.* B. and Heirs-male of his Body, whilks failzieing his other

Heirs-male and of Tailzie ſpecified and contained in his Rights and Infeftments of his other Lands and Eſtate of —[here holden as for-expreſt *brevitatis cauſa*, and declared to be als ſufficient as if herein particularly mentioned, and ſet down, albeit not ſo done, whereanent alſo diſpenſes forever) and their Aſſigneys heretably and irredeemably, *all and haill*, the ſaid *I. H-* his Lands of *M. &c.* lying within the Parochin of--- and Sheriffdom of--- and that in Exchange, Permutation and Excambion, of the other Lands and others above-written, diſponed by the ſaid *A.* B. to the ſaid *I. H.* and his foreſaids, in manner above-expreſt, but the ſaid Excambion is made, the ſaid Contract entered into, and Diſpoſition granted by the ſaids Parties to one another accordingly, and upon the Conſideration above-rehearſed, with this expreſs Condition, Proviſion and Declaration always, likeas, it is hereby ſpecialy provided and declared, and be it ſo provided and declared by the Reſignation & Infeftment to follow hereupon *hinc inde* that in caſe it ſhal happen any of the ſaids Lands & others foreſaids ſo excambed & diſponed to be evicted at any time hereafter, from the perſon to whom now diſponed, or his Heirs-male & of Tailzie above-ſpecified or their Aſſigneys, that then and in that caſe, the perſon whoſe Lands and others ſhall be evicted, and his foreſaids ſhall have full and free Regreſs, Ingreſs and Acceſs in and to the Lands and others diſponed, in Contemplation and Excambion thereof, as ſaid is, at leaſt ſo much thereof, [and firſt beſt and readieſt of the ſame] as will effeir and correſpond in Quantity, Quality and yearly Duty, to the Eviction, and at the firſt Term after any ſuch Eviction. and that *brevi manu*, at their own hand, but any hazard of Ejection or peril of Intruſion, to be ſuſtained or incurred by them therethrough, and but any neceſſity of Warning, Decreet of Removing, Declarator, or others [of the Law competent] to follow thereupon, and to be peaceably poſſeſt bruiked and enjoyed by him and his foreſaids, as their own proper Lands and Heretage, in all time thereafter, and as if this preſent Contract of Excambion, had never been entered into, at leaſt ay and while the ſaid Eviction and Grounds thereof be ſufficiently cleared and purged, and the perſon ſo diſpoſſeſſed, by vertue thereof peaceably reponed and repoſſeſſed in the Lands and others evicted from him in manner foreſaid, and upon the which expreſs Condition, Proviſion, Declaration, Power and liberty above-mentioned, this preſent Contract is entered into, and Reſignation and Infeftments appointed to follow thereupon, and no otherways, and ſtill but prejudice always of the abſolute Warrandice under-written, in manner after-expreſt, and the ſaids Parties faithfully bind and oblige them their Heirs and Succeſſors duely and ſufficiently to infeft and ſeaſe each of them, others in the reſpective lands and others above-ſpecified, diſponed by them to one another, in Excambion in manner foreſaid; and that by double Infeftments and manner of Holdings, the one thereof to be holden of the Diſponer and his foreſaids in free Blench, for payment of an penny *Scots* Mony upon the Ground of the ſaids Lands at the Feaſt of *Whitſunday* yearly, in name of Blanſh-farm, if it be asked allanerly, and releiving them of the Feu or Blanſh-duty due and payable to their Superior furth of the ſame in time coming, and the other of the ſaids Infeftments to beholden, from the Diſponer and his foreſaids, of the Superior als freely in all reſpects, as the ſaid *A.* B. and *I. H.* held, or may hold the ſame themſelves, and that by Reſignation or Confirmation in the Recievers option, the one but prejudice of the other, & for that effect both the ſaids Parties alſo bind and oblige them and their foreſaids, to make, grant, ſubſcribe and deliver each of them to others and their foreſaids, ſufficient Diſpoſitions containing Procuratories of Reſignation, Charters containing Precepts of Seaſin, and other Securities requiſit and neceſſar thereanent, with Warrandice in manner after-rehearſed, and the Securities and Infeftments of each Party, being on his own proper Charges, Moyen and Expenſes, and for the better obtaining of the foreſaid Infeftment by Reſignation, but preiudice of the other Infeftment above-written, both the ſaids Parties have made, conſtitute and ordained, and by thir preſents make, conſtitute and ordain --- and ilk an of them conjunctly and ſeverally, their very lawfull, indoubted and irrevocable Procurators, Actors, Factors, and ſpecial Earrand-bearers, to the effect after-ſpecified, giving, granting and committing to them conjunctly and ſeverally, as ſaid is, their very full, free plain Power, expreſs Bidding, Mandat and Charge, for them in their Name, and upon their Behalf, to compear before their reſpective immediat lawfull Superiors of the ſaids Lands and others foreſaids, or their Commiſſioners in their Names, having their Power to receive Reſignations, and thereupon to grant new Infeftments, and that any day and place lawfull and convenient, and there with all due Humility and condign Reverence, as becomes purely and ſimply

by

by Staffand Baſton as uſe is, to reſign, ſurrender, overgive and deliver, likeas the ſaid *A.* B, and *I. H.* by thir preſents, reſign, ſurrender, overgive and deliver all and haill the lands and others above and after-ſpecified, ilk one of them for their own parts, as is after-divided, *viz.* the ſaid *A.* B. by thir preſents, reſigns, ſurrenders overgives & Delivers all & haill the foreſaids Lands of *W. &c.* pertaining heretably to him, and lying as ſaid is, and in Permutation and Excambion in manner-foreſaid, in the hands of his ſaids Superiors. or their Commiſſioners above-ſpecified, in favours and for new Infeftment thereof, to be made and granted to the ſaid *I. H.* and his foreſaids heretably and irredeemably, and ſicklike the ſaid *I. H.* by thir preſents, reſigns, ſurrenders, overgives & delivers all & haill the foreſaids Lands of *M. &c.* pertaining heretably to him, lying as ſaid is, and in Permutation and Excambion, in manner above-rehearſed in the hands of his ſaids Superiors, or their Commiſſioners above-mentioned, in favours and for new Infeftment of the ſame to be made and granted to the ſaid *A.* B. and his foreſaids, heretably and irredeemably, as ſaid is, to be holden all the ſaids Lands and others, above diſponed and reſigned with the Pertinents, of the Superiors thereof above-expreſt, and in ſuch due and competent Form as accords, but with and under the expreſs Condition, Proviſion, Declaration, Power and Liberty above-ſpecified, and that *hinc inde* as to both Parties and their foreſaids, and in the ſaid poſitive and preciſe Terms above-rehearſed, and hereby appointed to be at length inſert and ingroſſed in the Inſtrument of Reſignation, and Infeftments to follow hereupon in all points, and no otherways, Acts, Inſtruments and Documents, one or moe as need beis, in the Premiſſes to ask and raiſe, and generally all and ſundry other things thereanent, to do, uſe and exerce, ſicklike and als freely in all reſpects as the ſaid *A.* B. and *I. H.* as to their reſpective Intereſts now tranſmitted, diſponed and conveyed by way of Excambion, in manner foreſaid, might do therein themſelves if they were perſonally preſent promiſing to hold firm and ſtable, *&c.* and whilks Infeftments (and either of them) ſhall bear and contain this expreſs Clauſe of Warrandice following, likeas (now as if the ſaids Infeftments were already made and paſt, and then as now) the ſaids *A.* B. and *I. H.* by thir Preſents faithfully bind and oblige them and their foreſaids, each of them to others, to warrand, acquite and defend the foreſaid Contract, Right and Diſpoſition, Reſignation and Infeftments to follow thereupon, Lands and others therein contained, (diſponed by them to one another in Permutation and Excambion in manner foreſaid) to be ſufficient free, ſafe and ſure to one another and to their foreſaids, from all and ſundry Wards, Reliefs, Nonentreſſes, Marriages, Eſcheats, Liferents, Forefaultures, Inhibitions, Interdictions, Recognitions, Diſclamations, Purpreſtures, former Alienations, privat and publick Infeftments, conjunctfees, Ladies Terces, Appryſings, Adjudications, Annuities, Annualrents, Reductions of Infeftments, Services and Retours, Tacks, Aſſedations, long or ſhort, and generally from all other Perils, Burdens Dangers and Inconveniencies whatſoever, alſe well not named as named, bygone, preſent as to come, Whilks may any ways ſtopt, trouble, or impede them in the peaceable poſſeſſion, bruiking and enjoying of the ſaids Lands and others foreſaids, diſponed by them to one another, (in Permutation and Excambion, in manner above-rehearſed) or Intromiſſion with the Mails and Dueties of the ſame, of the Cropt and year particularly after-aſſigned, (being the firſt Cropt and year of their Entry to the reſpective Lands and others above diſponed with the Pertinents, & thereafter in time coming, at all hands, & againſt all deadly as Law will, providing always, likeas it is hereby expreſly provided, & declared that in caſe any Action of Eviction of the ſaids Lands & others foreſaids diſponed by either Party to others, ſhall happen at any time hereafter to be intented, moved & purſued at the inſtance of any Perſon, or Perſons pretending Right thereto, that the Perſon whoſe Right ſhall be ſo called and brought in queſtion, ſhall be holden and obliged, and by thir Preſents binds and obliges him and his foreſaids, to make due and lawfull Intimation thereof to the other Party Diſponer of theſe Lands called in Queſtion, & to his Heirs and Succeſſors) at leaſt before Litis conteſtation be made in the Cauſe) and that Perſonally, or at their Dwelling-place for the time, (if within the Kingdom) and failzieing thereof, at the Mercat-croſs of *Edinburgh*, and Pear and Shoar of *Leith*, and to their Tutors and Curators if Minors for the time) at that Perſons Dwelling-houſe where he uſed to reſide when within the Kingdom and Mercat-croſs of the Shire where his Lands and Eſtate lyes, and that in preſence of an Nottar and

famous Witneſſes, and affix and leave Copies of the ſaid Intimation at the ſaids Places and Croſſes, that he may be the more and better certiorat of any ſuch Diſtreſs, and may compear and defend therein, and with this Proviſion alſo, that the Perſon whoſe Right is contraverted and called in Queſtion, make all the Writs and Evidents of the Lands contraverted, (and now delivered upon Inventar) furthcoming to the other Party, (liable in Warrandice) for that effect, and ſicklike excepting always furth and frae the ſaid abſolute Warrandice, the Tacks after-ſpecified ſet by either Party of the excambed Lands to the Tennents after-named, for Payment of the Duties under-written, as to the years thereof yet to run, *viz.* (here inſert the Tacks as after ſet down in the Diſpoſition, with the other Clauſes and Proviſions annexed thereto, that the Exception ſhall infer no Homologation *&c*, and likeways let either Party aſſign the other to the Tacks of their reſpective Lands, and Tack-duties therein contained, of the Crop and year —— and thereafter in time coming during the Continuance and not expiration thereof, and to the Mails and Duties after expiration, and whereof ye have a Patern in the ſaid Draught, after this inſert this Clauſe; and it is hereby expreſly Provided and Declared, Agreed to, and condeſcended upon betwixt the ſaids Parties (*ex utraque parte* that the foreſaid Clauſe of abſolute Warrandice is and ſhall be but prejudice to them of the foreſaid other Proviſion, Condition, Declaration, Power and Liberty of Regreſs, Ingreſs and Acceſs to their own Lands, upon the ſaid Eviction and in the poſitive and preciſe Terms, way and manner above-ſpecified and preſcribed and that the foreſaid other Proviſions, Condition, Declaration, Power and Liberty aforeſaid are and ſhall be but prejudice of the ſaid abſolute Warrandice, and that it ſhall be ſtill leiſum and lawfull to them and their foreſaids, and in their Power as they may be concerned and Matters fall out) to make uſe of both or either of them conjunctly and ſeverally, as accumalitive, or diſtinct Rights or Warrandices in their option, & that but any Innovation or Confuſion of Rights or Warrandice, 2*do*, To inſert the Aſſignation & Right to the Writs & Evidents of the Lands, Tacks and Rights of the Teinds, Mails and Duties & Words, *With full Power &c.* and the Warrandice of the Right of the Lands, Teinds and Mails and Duties as in the after Diſpoſition, (without the contrair be acted and tranſacted betwixt Parties) 3. Inſert the Clauſe of Relieving one another, (as to the reſpective Intereſts diſponed) of all Feu and Blanſh-duties, Miniſters and School-maſters Stipends, *&c.* and Delivery of the Writs, as in that very Draught, only that being an Diſpoſition the Diſponer or Obligant there ſpeaks in the firſt perſon, and in this being a Contract, ye muſt make both Parties ſpeaking in the third perſon, and as to the Regiſtration and Precept of Seaſin it muſt be ſo alſo, and the Precept would diſtinguiſh whereof to give Seaſin to the one, and whereof to the other, (becauſe of the Excambion) and be ſure that the Precept (*before in Witneſs whereof*) bear, and that with and under the expreſs Conditions, Proviſions, Declarations, Power and Liberty of Recurrancy, Regreſs Ingreſs and Acceſs, in caſe of Eviction of either Parties Right and Intereſt above diſponed, in the way, manner, and according to the preciſe and poſitive Terms above-expreſt, and at length contained in the ſaid Diſpoſitive Clauſe, (and here holden as for expreſt *brevitatis cauſa*, and then ſay) in Witneſs whereof, both the ſaids Parties have ſubſcribed thir Preſents, (written by —— with their hands, Day Month, Year of God, and Place reſpective foreſaids, before thir Witneſſes:

The next thing to be fallen upon, is, the manner of Conveyance of Lands with a Reſervation of the Right of the half of the Coal in the Ground and the Party who acquires this Right (with that Reſervation) diſpones to the other Party the half of the Coal in a part of his Barony, which makes a Communication, and both joyns in winning the Coal at their reſpective Charges, according to the Proportion agreed upon, and but to continue for ſome years, and with ſeveral Priviledges and Liberties, as building houſes, ſetting down of Sinks, *&c.* for the uſe and Accomodation of the Work and Workmen, and yet limit from incroching upon, or prejudging the Fundation of the Mannor-place of the Barony, Office-houſes, Avenues, *&c.* and for your better Information, I ſet down the Contract as it was ſubſcribed, not written, (but reviſed) by me and Lawyers on both ſides.

CONTRACT

CONTRACT anent the Sale of Lands and Coal.

AT --- the --- day of--- ---- years, it is Appointed, Contracted and finally Agreed betwixt the Parties following, to wit *I.* L. M. eldeſt lawful Son to *I.* M. of A. *&c.* with the ſpecial Advice and Conſent of, and taking Burden upon him for L. K. M. his Spouſe, and the ſaid L. K. M. for her ſelf with Conſent of her ſaid Husband, and them both with one Conſent and Aſſent on the one part, and *T. H.* of B. with Advice and Conſent of, and taking Burden upon him for *M.*M. *D.* his Spouſe, and the ſaid M, M. *D.* for her ſelf with the Conſent of the ſaid T. H. her Husband and them both, with one Conſent and Aſſent on the other part in manner following, that is to ſay, *Foreſameikle* as it is Agreed, betwixt the ſaids parties, that B. ſhall diſpone to the ſaid Noble L, the Lands of L. and Eaſter and Weſter H. for the Sum of Mony, and in lieu of the Communication of the Coal after-mentioned, under the Proviſion and Reſervation after-ſpecified, as alſo it is Agreed that the ſaid *I.* L. M. and T. H. of B. and their Heirs reſpective, ſhall have equal Right to the haill Coals, not only of the ſaids Lands of L. and Eaſter and Weſter H. but alſo of the ſaid L. M. his haill other Lands lying within the Barony of H. on the ſouth ſide of the Water of A. with Power to break the Ground for ſearching or boring, and for Sinks and Levels, and make highways to and from the Coal-heughs, and to build what is needfull for the Accommodation of the Coal-grieves and Coal-heughers, for perfecting of which Agreement, the ſaid T. H. ſells, annalzies and diſpones to the ſaid I. L. M. his Heirs-male and Succeſſors ſucceeding to him in his Dignity and Eſtate; which failzieing to his Heirs and Aſſignys whatſomever, heretably and irredeemably, all and haill the Town and Lands of L. the Lands of Eaſter and Weſter H. with Houſes, Biggings, Yards, Parts, Pendicles and Pertinents thereof, lying within the Parochin of T. and Sheriffdom of P. together with all Right, Title, Intereſt and Claim of Right that the ſaid T. H. had has or any ways may claim or pretend thereto, or any part thereof, in time coming; reſerving nevertheleſs to the ſaid T. H. himſelf the equal half of the haill Coal that ſhall be found within the ſaids Lands hereby diſponed by him, under the Quality and Exception after-mentioned) likeas the ſaid T. H. binds and obliges him his Heirs and Succeſſors with all convenient Diligence to duly and lawfully infeft and ſeaſe the ſaid I. L. M. and his foreſaids in the Lands above-diſponed with the Pertinents thereof, (under the Reſervation above-ſpecified) and that by two ſeveral Infeftments in due and competent Form, the one thereof to be holden of the ſaid T. H. and his Heirs in free Blanſh for payment of an Penny *ſcots* at *Whitſunday* yearly, if it be asked, and relieving him of the Duties payable furth thereof, to his immediat Superiors of the ſamen, and the other of the ſaids Infeftments, to be holden from the ſaid T. H. & his foreſaids immediat Superiors of the ſame preſently, being, or that ſhall happen to be for the time. ſicklike & als freely in all reſpects, as he holds or may hold the ſamen himſelf, either by Reſignation or Confirmation as beſt ſhall pleaſe the ſaid *I.* L. M. and his foreſaids, the one of the ſaids Infeftments being no ways prejudicial to the other, and the ſamen being always purchaſt, procured paſt and expede by the ſaid L. M. and his foreſaids by their own Moyen, & upon their own proper Charges and Expenſes: and for that effect ſhall grant, ſeal, ſubſcribe and deliver to them ſufficient Charters containing Precepts of Seaſin, Procuratories of Reſignation, and all othet Writs and Securities neceſſar in due and competent Form, and for obtaining the foreſaid Infeftment by Reſignation, the ſaid T. H. by thir preſents makes and conſtitutes --- and ilk one of them conjunctly and ſeverally his very lawfull and irrevocable procurators, for him and in his name to reſign, ſurrender, overgive and deliver; as he by thir preſents reſigns, ſurrenders, overgives and delivers all and haill the foreſaid Town and Lands of L. and the lands of eaſter and weſter *H.* with houſes, Biggings, Yards, parts, pendicles and pertinents thereof, lying as ſaid is, together with all Right, Title, Intereſt, and Claim of Right that the ſaid T. *H.* had, has, or any ways may claim or pretend thereto or any part thereof in time coming (under the Quality and Exception always above and after-ſpecified,) in the hands of the ſaid T. *H.* his immediat Superior or Superiors thereof, preſently being, or that ſhall happen to be for the time, or of

his or their Commiſſioners having power to receive Reſignations in his or their names, in favours and for new Infeftment of the ſamen, to be made and granted to the ſaid I. L. M. and his foreſaids heretably and irredeemably (under the Reſervation and Exception always&above&after ſpecified)&thereupon Acts, Inſtruments, and Documents needful, to ask lift and raiſe, and generally all and ſundry other things anent the premiſſes, to do uſe and exerce, which to the office of procuratory (in ſuch caſes) by the law and Cuſtom of this Realm known to appertain, and whilk the ſaid T. H. might do himſelf, if he were perſonally preſent, promiſing to hold firm and ſtable all and whatſomever things that his ſaids procurators or any of them in the premiſſes lawfully does or cauſes to be done, but Revocation, which Alienation, Diſpoſition, Reſignation, Infeftments, Lands and others above-ſpecified to be contained therein; the ſaid T. H. binds and obliges him his heirs and Succeſſors foreſaids to warrand to the ſaid I. L. M. and his foreſaids frae all Wards, Releifs, Marriages, Nonentries, Ladies Terces, conjunct-Fees, Liferents, Annualrents, other Alienations, publick and privat Seaſins, Tacks, Aſſedations, long and ſhort Rentals, Eſcheats, Forefaultures, purpreſtures, Diſclamations, Baſtardies, Reverſions, Redemptions, Inhibitions, Interdictions, Evictions, Recognitions, Appryſings, Adjudications, Nullities, &frae all other Perils, Dangers, Incumbrancies & Inconveencies whatſoever als well not named as named, bygone, preſent as to come, at all hands and againſt all deadly as Law will; and farder the ſaid T. H. makes and conſtitutes the ſaid I. L. M. and his foreſaids, his indoubted and irrevocable Ceſſioners and Aſſigneys, not only in and to the haill Charters, precepts and Inſtruments of Seaſin, procuratories and Inſtruments of Reſignation, Confirmations, Tacks, Aſſedations, prorogations, Valuations, Aſſignations, Tranſlations, Diſpoſitions and all other Rights, and Securities whatſoever made and granted to him, his predeceſſors and Authors of the Lands and others above-diſponed, and Teinds thereof, Parſonage and Viccarage, or Annuities of the ſaids Teinds, with the Burden always of the Sum of - - yearly, to the School-maſter of the ſaid Paroch, and of --- yearly, to the Miniſter ſerving the Cure thereat, and of the Sum of --- of Teind-duty, which was formerly payable to the Biſhop of *Dunkell*, and now to theſe having Right thereto, during the years of the preſent Tack yet to run, and to the Clauſes of Warrandice and haill remanent Clauſes and Obligments contained therein, conceived or that may be interpret in his favours, &that in ſo far only as the ſaids Writs may be extended to the Lands above-diſponed for the Cropt and year of God --- and in all time thereafter, and in ſo far as concerns the ſaids Teinds with the Burden above-mentioned for the ſamen year --- and thereafter during the continuance of the Rights of the ſaids Teinds, together with the ſaid T. H. his Right and Poſſeſſion of the ſamen Teinds for ever; and no farder but alſo in and to the hail Mails, Farms, Cains, Cuſtoms, Caſualities, Profits and Duties of the Lands and others above-rehearſt, for the cropt and year of God --- and in all time thereafter, Which Aſſignations the ſaid T. H. binds and obliges him and his foreſaids to warrand to the ſaid noble L. and his above-ſpecified, from all Facts and Deeds done and to be done by him and his foreſaids prejudicial hereto allanerly, but prejudice of the abſolute warrandice above-written, and in like manner the ſaid T. H. binds and obliges him and his foreſaids, to free, relieve, and skaithleſs keep the ſaid I. L. M. and his foreſaids, of all Ceſs, Taxations, Miniſters, Readers and School-maſters, Stipends, Blanſh-duties and other Burdens due and payable, furth of and for the Lands and others above-diſponed and Teinds thereof preceeding the Term of W. in the year --- and of all Coſt, Skaith, Damnage Expenſes and Intereſt that the ſaid noble L. or his foreſaids ſhall happen to ſuſtain or incur therethrough in any ſort, and for the preventing of any Differences that may ariſe anent what proportion of publick Burden ſhall be payable out of the Lands above-diſponed after W. next. it is agreed betwixt the ſaids Parties when they have conſidered the Rental thereof, with the Rent of the other Lands that are valued therewith, that the foreſaids Lands of L. and eaſter and weſter H. ſhal pay publick Burdens according to -- of valued Rent in all time coming after *W.* next; and to the effect the ſaid I. L. M. may be preſently infeft in the Lands and others above-diſponed, the ſaid T. H. by thir preſents deſires and requires you --- and ilk one of you conjunctly and ſeverally his Baillies in that part, to the effect after ſpecified ſpecially conſtitut that immediatly after Sight hereof ye paſs and give heretable State and Seaſin, with Poſſeſſion corporal, actual and real of all and haill the foreſaid Town and lands of L: the ſaids lands of eaſter and weſter

ſter H. with honſes, Biggings, Yards, Parts, Pendicles and pertinents thereof, lying as ſaid is, to the ſaid I.L. M. or to his certain Actorney in his name bearer hereof, by deliverance of Earth and Stone of the ground of the foreſaids *L*ands, as uſe is in the like, conform to thir preſents and Infeftments appointed to follow thereupon, or either of them, &to be holden of the ſaid T.H. or fra him of his immediat Superi orsin manner above expreſt under the Reſervation & Exception above-mentioned, & that this on no ways ye leave undone, the Whilks to do the ſaid T, H. commits to you conjunctly & ſeverally his Baillies in that part, foreſaid, his full Power, by thir preſents, & on the other part the ſaid I: L. M. hath preſently made payment to the ſaid T. H. of the Sum of --- Scots Mony as a part of the onerous Cauſe of the Right hereby granted of the Lands and others above-diſponed, whereof the ſaid T. H. grants the Receipt and exoners, quiet claims, and *ſimpliciter* diſcharges the ſaid noble L. his Heirs and Executors of the ſamen, (renuncing all Exceptions in the contrair) for ever reſerving to the ſaid T. H. his Heirs and Aſſigneys the equal half of the haill Coal that ſhall be found within the foreſaids Lands of L. and Eaſter and Weſter H. with the Pertinents thereof, under the Exception after-ſpecified, and Quality under-written: And farder the ſaid *I.* L. M. by thir preſents ſells and diſpones to the ſaid T H. his Heirs and Aſſigneys whatſomever ſucceeding to him in his Eſtate of P. heretably, the juſt and equal half of all and haill the Coal within the ſaid noble L. his Lands and Barony of H. belonging to the ſaid noble L. in Property, upon the ſouth ſide of the Water of A. lying within the Sheriffdom of P. with Power to the ſaid T. H. to break ground, bore, and ſet down Sinks, caſt and draw Levels, and to make uſe otherways of the Ground for trying to find out, and for the winning of the ſaids Coals, and for making high-ways and Paſſages to and from the ſamen, and to build Houſes thereupon for accommodating the Coal-grieve or Coal-hewers, as other Maſters are in uſe to do, under the Proviſions, Conditions, and Exception always after-mentioned, *viz.* excepting always the houſe of H. with the Office-houſes, Cloſs, Court, and Gardens and Orchyards belonging thereto, lying about the ſame, being within the diſtance of --- Elns to the Principal houſe, wherein ſhall not be law'ul to the ſaid B. or his foreſaids to dig or break Ground nor in the *High*ways leading thereunto, that are near the ſame within the foreſaid Diſtance; declaring nevertheleſs that the Parks of *H.* are not to be included in this *E*xception, but left free to be wrought and the Ground broken, and Coal win therein; and alſo declaring that if the ſaid L. M. himſelf, or his *H*eirs or Succeſſors ſhall ſet down and find Coal within the ſaid excepted Ground, the equal half thereof ſhall belong to the ſaid T. *H.* and his foreſaids conform to this Agreement, under this expreſs Proviſion that in caſe there ſhall be no Coal found which may be wrought within the ſaid Barony of H. during the ſpace of --- years, after the Date of this preſent Contract, or during the ſaid T. *H.* his lifetime, (if he ſhall outlive theſe years) in that caſe this preſent Right granted to the ſaid T. *H.* of the half of the foreſaid Coal within the Barony of *H.* and the half of the Coal reſerved of the Lands of L. and *E*aſter and Weſter *H.* ſhall from thenceforth expire, and becomes void and null, as if the ſamen had never been granted, and a Diſcharge and Renunciation of the foreſaid half of the Coal to be granted by the ſaid T. *H.* or his *H*eirs ſhall be ſufficient for extinguiſhing their Right to the ſame in the caſe before-mentioned: likeas the ſaid I. L. M. binds and obliges him his *H*eirs and Succeſſors with all convenient Diligence, to duely and lawfully infeft and ſeaſe the ſaid T. *H.* and his *H*eirs-male and of Tailzie, ſucceeding to him in his *E*ſtate of B. which failzieing his *H*eirs and Aſſigneys whatſomever heretably, (under the Proviſion, Quality, and Exception above and after-mentioned) in the equal half of the haill Coal, lying within the ſaid noble L. his Barony of B. upon the ſouth ſide of the Water of *A.* and in the Priviledges above-mentioned relative thereto, and that by two ſeveral Infeftments in due and competent Form, the one thereof to be holden of the ſaid *I.* L. M. and his foreſaids in free Blanſh for payment yearly of an --- penny Scots Mony at the Feaſt of *W.* upon the Ground of the ſaids Lands in name of Blanſh-Farm if it be asked; and relieving the ſaid noble L. of the Duties payable furth of the ſaid Coal to his immediat Superiors of the ſamen, and the other of the foreſaids Infeftments to be holden frae the ſaid I. L. M. and his above-ſpecified, of his ſaids immediat Superiors preſently being, or that ſhall happen to be for the time, either by Reſignation or Confirmation as beſt ſhall pleaſe the ſaid T. *H.* and his foreſaids, and for that effect ſhall make, grant, ſeal, ſubſcribe and deliver to him ſufficient Charters, containing

Precepts of Seaſin, Procuratories of Reſignation, and all other Writs and Securities neceſſar, in due and competent Form, the one of the ſaids Infeftments being no ways prejudicial to the other, (and the ſamen being always exped by the ſaid T. *H.* and his foreſaids by their Moyen, and upon their own proper Charges and Expenſes) and for effectuating the foreſaid Infeftment by Reſignation, the ſaid I. L. M. by thir preſents makes and conſtitutes --- and ilk one of them conjunctly and ſeverally his very lawful and irrevocable Procurators for him and in his name to reſign, ſurrender, overgive and deliver, as he by thir preſents reſigns, ſurrenders, overgives and delivers the juſt and equal half of all and haill the Coal within the ſaid noble L. his Lands and Barony of *H.* upon the ſouth ſide of the Water of *A.* with full power to the ſaid T. H. and his foreſaids, to break down Ground, and ſet down Sinks, caſt and draw levels, and to make uſe otherways of the Ground for diſcovery and winning of the ſaid Coal, and for making high-ways and Paſſages to and from the ſame, and to build houſes thereupon for accomodating the Coal-grieve or Coal-hewers, or Bearers, as other Coal-maſters are in uſe to do, under the Proviſions and Conditions after-mentioned, and Exception above-ſpecified) in the hands of the ſaid I. L. M. his immediat lawful Superior, or Superiors of the ſaids Lands and Coal preſently being, or that ſhall happen to be for the time, or of his or their Commiſſioners having power to receive Reſignations in his or their Names, in favours and for new Infeftment of the ſamen to be made and granted to the ſaid T. H. and his foreſaids heretably, under the expreſs Proviſion and Quality, that in caſe there ſhall be no Coal found which may be wrought within the ſaid Barony of A. during the ſpace of --- years, after the Date of this preſent Contract, or during the ſaid T. H. his lifetime (if he ſhall outlive theſe years) in that caſe this preſent Right granted to the ſaid T. H, of B. of the half of the foreſaid Coal within the Barony of *H.* aud the half of the Coal reſerved of the Lands of L. and eaſter and weſter *H.* ſhall from thenceforth expire, and become void and null, as if the ſamen had never been granted ; and thereupon Acts, Inſtruments and Documents needfull to ask, lift and raiſe, and generally all and ſundry other things anent the Premiſſes to do, uſe and exerce, which to the Office of Procuratory in ſuch caſes by the Law and Cuſtom of this Realm, is known to appertain, and whilk he might do himſelf, if he were perſonally preſent, and w hich the ſaid I. L. M. promiſes to hold firm and ſtable; which Alienation, Diſpoſition, Infeftment and equal half of the Coal above-ſpecified to be contained therein, the ſaid I. L. M. binds and obliges him and his foreſaids to warrand to the ſaid T. *H.* and his foreſaids frae all Perils, Dangers, Incumbrancies and Inconveniencies whatſomever, als well not named as named, bygone preſent as to come, at all hands and againſt all deadly as Law will, and furder the ſaid I. L. M. by thir preſents makes and conſtitutes the ſaid T. *H.* and his foreſaids, his indoubted and irrevocable ceſſioners and Aſſigneys, not only in and to the haill Writs and Evidents of the foreſaids Lands and Barony made in favours of him, his Predeceſſors and Authors, and to the Clauſes of Warrandice and haill remanent Clauſes and Obligments contained therein, conceived or that may be interpret in his favours, (& that in ſo far only as the ſaids Writs may be extended to the equal half of the ſaid Coal, with the Priviledges above-ſpecified, hereby diſponed) but alſo in & to the equal half of the ſaid Coal it ſelf & profits thereof from the time that it ſhall be recovered & in all time thereafter, which Aſſignations the ſaid I. L. M. binds and obliges him and his foreſaids to warrand to the ſaid T. *H*, and his above-ſpecified from the ſaid noble L, and his foreſaids their Facts and Deeds done, and to be done prejudicial hereto allanerly (but prejudice of the abſolute Warrandice above-written) and farder it is agreed betwixt the ſaid Parties that the ſaid I. L. M. and T. H. of B. ſhall each of them advance the Sum of --- Scots Mony, for ſearching and finding out of the ſaid Coal, and ſo ſoon as either of the Parties begins to ſearch, the other is to advance to him his part of the ſaid Sum, providing always that there ſhall not be more than the Sum of --- of Advance demanded at one time; and it is farder agreed, that after the ſaid haill --- is expended, that yet nevertheleſs any one of the ſaids Parties or their foreſaids may thereafter ſearch for the Coal by themſelves, and upon their own Expenſes, and if Coal ſhall be found upon any ſuch Search, the Party Finder thereof is to admit the other Party to be equal Sharer with him in all the Profit that ſhall thereby ariſe, (upon payment of half of the Expenſes that ſhal happen to be beſtowed in finding out the Coal) which Expenſes are to be given up upon word of Honour by the Party Deburſer thereof, without ay furder Probation; and to the effect the ſaid T. *H.* may be preſently infeft in the equal half

of

of the Coal above-mentioned, with the Priviledges above-expreſt, the ſaid I. L. M. bythir preſents defires aud requires you —— and ilk one of you conjunctly and ſeverally, his Baillies in that part, to the after-ſpecified Specialy conſtitute, that immediatly after Sight hereof, ye paſs and give heretable State and Seaſin with Poſſeſſion corporal, actual and real of the foreſaid, juſt and equal half of all and haill the Coal within the ſaid noble L. his Lands and Barony of H. upon the ſouth ſide of the Water of A. with full power to the ſaid T. *H.* and his foreſaids to break Ground, bore, and ſet down Sinks, caſt and draw Levels, and to make uſe otherways of the ground for the winning of the ſaid Coal, aud for making high-ways and paſſages to and from the ſame, and to build houſes thereupon for accommodating the Coal-grieve and Coal-bearers (as other Coal-maſters are in uſe to do) to the ſaid T. *H.* or his certain Actorny, in his name bearer hereof, by Deliverance of Earth and Stone of the Ground of the foreſaids Lands, and an piece Coal as uſe is in the like, conform to thir preſents and Infeftments appointed to follow hereupon or either of them, and that this on no ways ye leave undone, the whilk to do the ſaid I. L. M. commits to you conjunctly and ſeverally his Baillies in that part foreſaid his full power by thir preſents (under the Proviſion, Condition and Exception always above-ſpecified, which is here holden as repeated *brevitatis cauſa*, and ſhall be contained in the Infeftments to follow hereupon) and in like manner the ſaid I. L. M. binds and obliges him and his foreſaids to cauſe the ſaid L. K. M. his Spouſe and the ſaid T. H. binds and obliges him and his foreſaids to cauſe the ſaid M. M. D. his Spouſe ratify thir preſents before an Judge ordinary, and that outwith the preſence of their ſaids Husbands, and declare judicially upon Oath, that they do the ſame willingly of their own Accord, and that they ſhall not quarrel nor impugn the premiſſes nor come in the contrair thereof directly or indirectly, by any manner of way in time coming. And laſtly, it is agreed betwixt the ſaid Parties that neither of them ſhall be obliged to give to the other any Progreſs of the Writs of the Lands or Coal that is hereby diſponed, except only that if either of them intend to expede a publick Infeftment, the other Party ſhall furnish him with a Charter to inſtruct the manner of holding of what is hereby diſponed, Clauſe of Regiſtration and Precept of Seaſin, *&c.*

The next Subject Matter I reſolve to fall upon, is, a Bargain betwixt a Gentleman who is in Debt, (and who by an forehand Bargain *of Victual, Salmond and the like reſolves to borrow a* Stock *of Money in order to pay his Debt, and chooſes rather to looſe a little, and probably, (and as matters and prices fall not) and live* in pace, *than be expoſed to legal Diligence, (yea the expiration of legal Reverſions themſelves) on the one part. and ſome* Merchant *Adventurers on the other part, and as I drew the Contract my ſelf, ſo I will be curt in the narative, (conſiſting of all the Debts the Gentleman owed, Appryſings led thereupon, his ſingle and liferent Eſcheat taken, Conventional Rights and Infeftments, poinding of the Ground, and what other Diligence enſued, a* Minut *of Agreement that previouſly paſt betwixt the Parties in relation to their intended* Bargain, *and ſhall only fall upon the Subſumption and Concluſion, and I muſt ſay that as the Gentleman was in neceſſity, the* Merchants *were generous, and took no Advantage upon that head of him: but advanced their* Mony ab ante (*following the Faith of the* Minute) *and by which Advance, the Gentleman (of an ancient Family and true Honour had (upon preſent payment) great Favour from his* Creditors, *and ſo a good* Bargain *for all concerned, and as I wrote the* Contract, *I outlived the performance.*

CONTRACT betwixt D. R. *of* B. *on the one part, and* W. D. *elder Bailly of I.* W. D. *younger Merchant there,* I. F. *of* C. *alſo, Merchant Burges of the ſaid Burgh of I. on the other part, anent an forehand Bagain of Victu- and Salmond,* &c. *worthy of Obſervation.*

AT —— the —- day of —— —— years it is appointed, contracted finally agreed and ended betwixt the Parties following, they are to ſay *D. R, of* B. on the one part, and W. D. elder, Baillie of I- and W. D. younger Merchant there,

and I. F. of C. alſo Merchant Burges of the ſaid Burgh of I. on the other part in manner following, that is to ſay) *foreſameikle* as the ſaid D.R. (here were all the Debts he owed, to whom and all the real and perſonal Diligence that thereupon enſued, and the Conventional Rights, whether by Appryſings, Infeftments of Annualrent and Decreets of poinding, the Ground following thereupon, ſingle and liferent Eſcheats or otherways, and Minut of Agreement paſt betwixt the ſaids Parties, by which the Merchants were bound to pay the Debts due by the ſaid D. R. of B. to his Creditors, not exceeding the Sum therein ſpecified, and to acquire the ſeveral Rights, upon payment in their own perſons: and the ſaid D. R. of B. obliged him to make the Bargain of Victual & Salmond after-mentioned, and the Merchants (for implement of their part) payed the Debts or ſecured therefore, (as tranſacted by the Gentleman himſelf, and procured Rights thereof in their own perſons as the ſaids Articles of Agreement, Rights and Diſpoſitions above-ſpecified in themſelves more fully is expreſt, and then it was thus ſubſumed, as alſo the ſaids W. D. elder and younger (for it ſeems they were the two Merchants that entered in the Minut with the Gentleman) conſidering of their Advance aforeſaid to the ſaid I. S, who was one of the Creditors of the Gentleman, and his Tutor and other Advancements after-ſpecified, they judged it convenient and neceſſary to have a third Partner joyned with them in the Bargain after-mentioned, and having dealt with the ſaid I. F. he was content and *de facto* became Co-partner with them therein (as to all Advances, Loſs and Gain) and accordingly the ſaid W. *D.* elder and younger upon (the ſaid I. his Advance of a third part of the Sums payed to R. H. as Tutor foreſaid, and of the Sums after-ſpecified advanced by them to, (here the perſons and their reſpective Debts due to them were particularly inſert, and then) likeas the ſaids three Copartners are obliged to the Debts reſting by the ſaid D. R. of B. to the perſons after-named, *viz.* here the perſons and Debts were inſert, and then the Stile of the Contract follows) and ſeing the ſaids *W. D.* elder and younger and I. *F.* have not only faithfully performed their part of the ſaids Articles of Agreement in advancing the ſaid Sum of — to the ſaid Tutor for the Behove of his ſaid pupil, with the Sum of — more for compleating the ſaid Sum of — Mony foreſaid payed for the ſaids Rights to the ſaid *R, H.* (which was the moſt conſiderable Debt) and that they have (out of kindneſs and reſpect to the ſaid D. R. of B. allowed himſelf to repay to them the ſaid Sum of —— advanced to the ſaid *R. H.* (over and above the ſaid Sum of ——Mony foreſaid & beſides have ſatisfied the ſaid *I.* B, of E, and K.M. of S. of the particular Sums of Mony above-mentioned, reſting to them by the ſaid D. R. as ſaid is, towards the acquiring of the ſaid M, R, P. his Gift of Liferent Eſcheat frae the ſaid B. of R. as alſo are to advance and pay the Sum of [here ſome other Debts were inſert payable to other perſons due by the ſaid D. *R.* and then follows] and it being iuſt and reaſonable that the ſaid W. D, elder and younger and I, F, be fully ſecured as to the effectual Performance of the ſaids Articles, and forgetting payment of the ſaid Sum of — [being the Sum payed to the ſaid *R*, H, as Tutor foreſaid] and Intereſt thereof, with the other Sums above-expreſt, advanced to the ſaid I, B, of E, and K, M, and other Sums above-written to be advanced by them to the ſaid A, D, *&c*, extending in the haill of principal Sums [attour Annualrents] to the *S*um of — and that by the ſaid Bargain, aud in the way and manner preſcribed in the ſaids Articles of Agreement; and likewiſe ſufficiently warranded and ſecured againſt all Incumbrancies on the ſaid Eſtate, by Inhibitions, Appryſings, Infeftments or otherways: and namely [but prejudice of the ſaid generality againſt the ſaid D. *R*, his Lady her liferent of —Chalders Victual, for which ſhe ſtands infeft payable out of the Barony of —and others [in caſe ſhe ſurvive her ſaid Husband, and that he deceaſe before the ſaid Bargain be fully cleared and ſatisfied, and all other things preſtable by this preſent Contract accordingly done and performed, and likewiſe the ſaid W, D, elder and younger and I, F, and their foreſaids reimburſed not only of their Advancements to and for the ſaid D, *R*, but alſo ſatisfied and payed of what Sums of Mony they ſhall be forced to advance, in acquiring any Rights or Incumbrances upon his Eſtate, that may prove derogatory to their ſaid Bargain, and payment and relief of their ſaids Advancements with Intereſt after Advancement, and during the not payment, and what Damnage and Intereſt they may ſuſtain by and through the ſaids Incumbrancies and in the Defence or purſuit of the ſaid Bargain, and Advancements; therefore (and

but

but any Hurt, prejudice, or Derogation to the foresaid Heretable Bond and Right of Annualrent. * Disposition made by the said *G.S.* to the said Deceast *J. S.* his Son thereof, or to the foresaid Single and Liferent Escheats procured from His Majesty in Exchequer, or to the foresaid Appryssing, or Grounds thereof, Decreets of Poynding of the Ground, Declarators, and Mails and Duties following thereupon; and other Execution and Diligences that have ensued on the saids Bonds and Rights, or yet to the foresaid Gift of Liferent Escheat procured from the said late *B.* of *R*, and Decreets of Declarator, and others following thereupon; and Assignations, Dispositions, and Rights made to the saids *W. D.* Elder and Younger and their foresaids, of all, or either of them in manner above-narrated, or by them to the said *J. F.* (as to a third part) of the same, or yet to the saids Articles of Agreement, or what last further Agreed to, since the saids Articles betwixt the saids Parties in order to the *W. D.* elder and younger; and *J. F.* their surder Security anent the said Bargain, not only for the saids Sums advanced to the said *J. S.* his Tutor, but also for the other Sums payed, and to be payed, and Advanced in manner foresaid, and against all Incumbrances: and their Payment of their Advancements as said is, or Innovation of all or either of the saids Rights in any sort, but in farder Corroboration of the same (*accumulando jura juribus*) The said *D.R.* (with Consent of ——— for all Right they, or either of them either for themselves, or as deriving Right from any other Person or Persons, have or can pretend by Inhibitions, Appriſings, Infeftments, or otherways; To the Lands, Baronys, Milns, Miln-Lands, Teinds, Fishings, as well Salmond as other Fishings, and others above, and after-mentioned with the Pertinents) has Ratified and Approven; and by thir presents Ratifies, Homologats, and approves the foresaid Heretable Bond and Right of Annualrent: (here all the Rights both of Annualrent and Infeftments thereon, with other Personal Bonds, Inhibitions, and Diligence thereon, Appriſings, Escheats, single and Liferent granted by the King; and Liferent Escheat granted by the *B.* of *R.* and Declarators thereon; and Rights made by the Creditors to the saids Merchants, and by them to one another are Curtlie deduced, but more fully narrated, and then the Draught bears) with all that has followed, or may follow thereupon, In the hail Heads, Articles, Clauses, Provisions and Conditions therein contained, and Admits and Declares the Generality foresaid, of the said Ratification to be as Valid, Effectual and Sufficient, and of as great Force, Strength and Effect to all Intents and Purposes, to the said *W. D.* elder and younger; and *J. F.* and their foresaids, as if the saids Bonds, Infeftments, Dispositions, Assignations, Appriſings, Gifts of Escheat, Decreets and other Rights, and Diligences generally, above-narrated were, *de verbo in verbum* herein Insert, and at length ingrossed (albeit the same be not so done) whereanent (and with all Informalities, Nullities and Imperfections, if any be in the saids Bonds, Infeftments, Appriſings, Executions, Diligences, Gifts, Decreets and Rights above-narrated, or one or other of them, and all Actions of Reduction, Declarators of Nullity (yea, Improbations themselves) and all other Action, Pursuit and Instance of the Law competent to the said *D. R.* or to his Heirs, Executors or Successors against the same) the said *D. R.* (for him and his foresaids with Consent above-specified) has dispensed, and by thir Presents Dispenses for ever: And faithfully acknowledges all the saids Diligences, and Appriſings to be truely and really done, and Legally Execut, and deduced; and that the Sums (for which the saids Appriſings were led) was a just and true Debt truely Resting, owing; and Renounces quite Claims, and for ever Discharges all Exceptions and Objections, Actions and Instances competent, or that may be Competent to him or his foresaids in the

* Nota, *This for the great Debt.*

Contrair; And that to, and in Favours of the ſaids *W. D.* elder and younger; and *J. F.* and their foreſaids alſo for ever. And likeways Declairs, that the Production of the ſaids Decreets of Appriſing in all Actions, (yea, Improbations themſelves) ſhall be ſufficient for ſatisfying the Production without any neceſſity of Production of any of the Bonds or other Grounds thereof, or yet of the ſaids Letters of Horning, ſpecial Charge, Letters of Appriſing, or Executions of all or either of them, notwithſtanding, that *caſu fortuito* they may be Loſt, or otherways Deſtroyed,) with which, likeways the ſaid *D. R.* (with Conſent foreſaid) has Diſpenſed,& for him & his foreſaids by thir Preſents alſo Diſpenſes for ever. And that in ſo far allenarly as concerns, and may be extended the ſaid Sum of ——— now only Advanced by them (at leaſt Reſting to them of the foreſaid Sum of ——— Money above-written, payed to the ſaid *R. H.* as Tutor foreſaid in manner above-expreſt, and the Annualrent thereof ſince *W.* laſt and in time coming) and as may be extended to the foreſaids principal Sums advanced, and to be advanced by them to the ſaids *J. B.* of *E. K. M. A. D. A. D.* and their Husband, and *M. C. R.* in manner foreſaid, with the Annualrent thereof above-ſpecified, extending the haill principal Sums in manner above-rehearſed, and ay and while, both principal Sums and the Annualrent be ſatisfied & payed by the ſaid Bargain of Victual,& Fiſhing ſpecified in the ſaids Articles of Agreement in manner, at the Rates, by the manner of Compting therein-mentioned,& with the liquidate Falzies therein expreſt; And in ſua far alſo as concerns, and may be extended to a full Security to them, as to the effectual performance of the ſaids Articles of Agreement; and preſent Additional Bargain and Advancements in all the Heads, Articles & Circumſtances thereof conform to the Tenor of the ſame in all points. And in like manner in ſua far as concerns, and may be extended to their Payment of all their other Advancements for the ſaid *D. R.* either bygone, preſent or future; and to their re-payment of all Incumbrances on the ſaid Eſtate, that may prove derogatory and prejudicial to the ſaid Bargain and Payments, and which they ſhall be forced to purge and acquire for the more peaceable Enjoyment and Poſſeſſion of the ſaid Bargain and Benefit thereof, and as may be extended to any Intereſt, Damnage or prejudice they may ſuſtain and incur by, or through the ſaids Incumbrances, or in Purſute, or Defence of their ſaid Bargain, and making the ſame with their payments effectual, and no farther; but no ways that they ſhall take, or make uſe of any legal advantage, by the expiration of the legal Reverſion of the ſaids Appryſings, or yet by the ſaids Eſcheats, ſingle, and Liferent, furder than their Security of the ſaid Bargain & their payment of their ſaids Advancements for the ſaid *D. R*; and purging of the ſaids Incumbrances and Purſute, and Defence of their Bargain and Rights, and what reIates thereto in manner above-rehearſed. And farder, the ſaid *D. R.* of *B.* (for the ſaids *W. D.* elder and younger; and *J. F.* their better Security, and more ſure Performance of the ſaids Articles and Additional Bargain, and Advancements, and Liberation of, and Imunity from all Incumbrances as ſaid is,) By thir Preſents (with Conſent foreſaid,) Sells and Diſpones to the ſaids *W. D.* elder and younger; and *J. F. pro indiviſo*, and to their Heirs and Aſſignies, all and haill, the Number and quantity of 300 Bolls, good and ſufficient Bear Merchant Ware, and with the Meaſure of compting the Boll at —— *Merks communibus annis* as ſaid is; And the number of 24 Barrels, good and ſufficient clear well ſalted Salmond; and wherein theſe are defective; The number of 6 Barrels clear ſalted Griliſes good and ſufficient, for ilk 4 Barrels of Salmond, Compting the Barrel of Salmond at —— pound *Scots*, and ilk Barrel Griliſes at —— pound *Scots*, and all of the Product, and Excreſs of the ſaid *D.* his Land, Waters, and Eſtate in *R*: And Obliges him, his Heirs, Executors, and Succeſſors, to pay and deliver the ſaid Victual

and

and Fiſhing, yearly to the ſaids *W. D.* elder and younger; *J. F.* and their foreſaids, betwixt the firſt Day of *March*, and the firſt Day of *May* yearly as to the Victual; and betwixt the firſt and laſt Days of *Auguſt* yearly as to the ſaids Fiſhes: Beginning the Victual payment of the Cropt 1682 years Inſtant And the Salmond, and Grilſes Fiſhing of the year and Seaſon 1683, and ſo-furth to continue at the Rate and Price foreſaid from year to year, ay and while the ſaid —— Thouſand *Merks*, & Sums Advanced, & to be Advanced to the ſaid *J. B.* of *E. R. M. A. D.* and *M. R. F.* her Husband, and to the ſaid *A. D.* and *M. C. R.* Extending in the haill, to the ſaid Sum of —— Money foreſaid, with the Annualrent thereof from the Term of *VV.* laſt, and during the not payment, be Satisfied and payed, in, and by the ſaid Bargain, and manner of Compting ſpecified in the ſaids Articles of Agreement: And which Victual, the ſaid *D. R.* Obliges him, and his foreſaids to Deliver with the Meaſure, L. yearly, and to Tranſport the ſame in his own Sacks, and on his own Charges and Expenſes to the ſaid *VV. D.* elder and younger; and *J. F.* and their foreſaids, their Bark or Boat ſides lying at *A. Neſs*, and on *N.* Sands, and likeways to Tranſport the ſaids Barrels of Salmond, and Grilſes to their Bark or Boat ſides lying at *B. Neſs*. And failzieing of Payment of the ſaids Bolls yearly; The ſaid *D. R.* Obliges him and his foreſaids, to pay to them and their foreſaids, the Sum of —— pounds *Scots* for ilk undelivered Boll, and that upon the firſt Day of *November* yearly, after the ſaid time appointed for Delivery of the ſame, and Annualrent thereafter during the not Payment thereof: And failzieing of payment of the ſaid Barrels of Salmond, or Grilſes at the Extent forſaid; The ſaid *D.* R. Binds and Obliges him and his ſoreſaids, to pay to the ſaid *VV. D.* elder and younger, and *J. F.* and their foreſaids, the Sum of —— pounds for ilk undelivered Barrel, and that upon the firſt Day of *November* next, and immediately following the ſaid time of Deliverie, and Annualrent of the ſaids Prices, or liquidat failzies during the not payment after the ſaid Term; and the ſaid *D. R.* and his foreſaids to Compt and Diſcompt with the ſaids *VV. D.* elder and younger, and *J. F.* and their foreſaids upon what payed, and delivered of the ſaid Victual and Fiſhing yearly, in the Way, Method, at the Rates, and in manner ſpecified in the ſaids Articles of Agreement, and at the Terms therein expreſt: And in like manner the ſaid *D.* R. (with conſent forſaid) By thir preſents, Sells and Diſpones to the ſaid *VV. D.* elder and younger, and *J. F.* and their foreſaids, what further Victual and Salmond, or Grilſes the ſaid *D.* ſhall have, and that his ſaid Eſtate will yearly yield to him attour the ſaid yearly Bargain (which he now calls an Hundreth Bolls Bear, and Twenty Barrels Salmond and Grilſes,) and that at —— *Merks* the Boll, and —— *Scots* Money for each Barrel of Salmond, and —— Pounds for each Barrel of Grilſes; and that yearly during the ſpace of the ſaid Bargain: And Oblige him and his foreſaids, to Deliver the ſame to them at the Rates foreſaids in manner of the Cropts and years, and at the Terms, Times and Places above rehearſed. And faithfully Promiſes, Binds and Obliges him and his foreſaids, not to put away, Sell the ſame, or to Diſpoſe thereof by them; And failzieing thereof to pay to them the like Failzies as that of the ſaid Bargain for ilk Boll and Barrel that he ſhall Sell, put away, and Diſpoſe of by them, at the Terms and Times of Payment of the ſaids other Failzies, and what is Payed that way over and above the ſaid Bargain, the ſame at the ſaids Rates of —— *per* Boll, and — pound *Scots* for ilk Barrel of Salmond, and —— pounds for ilk Barrel Grilſes is to be Allowed and Diſcompted alſo, off, and in the Firſt end of the ſaid —— Thouſand *merks* and other Sums Advanced, and to be Advanced by them for the ſaid D. R. as ſaid is Extending in manner foreſaid, and its Annualrents after the Method of Compting above-written; Or otherways, (and in the ſaids W. D. elder and younger,

and *J. F.* and their foreſaids, their Option and Election) it ſhall be lawful to them, (and in their Power) to Imploy, and apply the ſaids Rares and Prices for their own Payment of their Advancements for the ſaid D. R. either bygone, preſent, or to come; And which laſt Paction, Agreement and Condeſcendence ſhall hold, endure and continue to the end of the ſaid Bargain, and ay and while Compleat Payment be made of the ſaid hail Principal Sum of —— Thouſand *merks*, and other Sums Advanced, and to be Advanced by them for the ſaid D. R. Extending in manner foreſaid, and its Annualrents, and of what they ſhall furniſh in Salt to the ſaid D. R. for Curing and Salting the ſaid Salmond and Grilſes, yearly at the Countrey Price in caſe the ſaid Salt be not Payed for, by the ſaid D himſelf in Money; or otherways Diſcompted and Allowed by him to them, in the firſt End of the Price of the Victual and Fiſhing poſitively Obliged to in the ſaid Bargain: But in caſe the ſaid D. R. ſhall not put away, or Diſpoſe of any Superplus, his Eſtate ſhall yield in Victual or Fiſhing (attour the ſaid Bargain,) but make Uſe thereof for his Family yearly, then, and in that Caſe, he ſhall be Liberat of, and Free from Payment of any Failzies for the ſaid Victual and Fiſhing that the ſaid Eſtate ſhall yield over & above the ſaid Bargain; And that theſe years, the ſaid Superplus ſhall be made Uſe of, and Conſumed in his Family as ſaid is; And for the ſaids W. D. elder and younger, and *J. F.* and their foreſaids, their farder Security anent the ſaid Bargain, and its being Effectual to them, and for their Payment of their ſaids Advancements; and better Security againſt all Incumbrances upon the ſaid Eſtate that may prove Derogatory and prejudicial to them in that behalf, or yet as to what furder the ſaid Eſtate may yeild yearly over and above the ſaid Bargain, and during the ſpace of its Continuance (without the ſaid Overpluſs be conſumed, and Spent in Family as ſaid is) the ſaid D. *R.* (with Conſent foreſaid, and but any hurt, Prejudice, or Derogation to the former Rights above-narrated Ratification foreſaid, or Innovation thereof in any ſort, but in farder Corroboration of the ſame, *accumulando jura juribus*,) Binds and Obliges him, his Heirs and Succeſſors duely and ſufficienty to Infeft and Seaſe the ſaids W. D. elder and younger, and *J. F.* and their foreſaids in all and haill; the ſaid *D. R.* his Lands, Baronies, Milns, Miln-Lands, and others above, and after-ſpecified, *viz.*, (*here the Lands, and in effect all his Eſtate were Inſert of the particular Names and Deſignations contained in his Charters under the Great Seal, and from the B.* of *R. and other Superiors*, and *then the General Clauſe moſt ample, thus*,) with the haill manner Places, Caſtles, Towers, Fortalices, Houſes, Biggings, Yeards, Orchards, Milns, (as well Saw-Milns, Walk-Milns, as Corn-Milns,) Multures, Sucken, Sequels, and Knaveſhip of the ſaids Corn-Milns, Moſſes, Moores, Marreſſes, Meedows, Graſs and Paſtureages, Woods, Fiſhings, (alſe well Salmond as other Fiſhings, and alſe well in Freſh as Salt-Waters,) Shealings, Heretable Offices of Bailliary, and Maredom of all the ſaids Lands, hail Benefit and Caſualities thereof, Outſets, Inſets, annexis Connexis, Dependances, Tennents, Tennendries, and Services of free Tennents, Advocations, Donations and Rights of Patronages of Chaplanries, Alterages and Prebendries, Ports, Havens, Harbours, Weekly-Mercats, Yearly Free Fairs, Toles, Cuſtoms, and Caſualities thereof, Burghs of Barony, Parts, Pendicles, and Univerſal Priviledges and Pertinents of the haill foreſaid Lands, Barony, Abacy, and others particularly and generally above-appryſed, or contained in the Infeftment of Erection of the ſaid Barony of *B.* and as the ſame are Denominat, ſet down, and Deſigned therein, or that is, or ſhall be known, any ways to appertain and belong thereto, together with all Right, Title, Inteteſt, Claim of Right, property and Poſſeſſion, and Right of Superiority, Reverſions, and others whatſoever, alſe well not Named as Named, whilks the ſaid *D. R.* and his Predeceſſors and Succeſſors had, have, or any ways may

may have Claim, or pretend to the ſame, or to the Feu-Duties, Blench-Duties, and other Duties, Benefit and Service belonging to the ſaids *Superiorities*, by whatſoever manner of way in time coming; and that in real Warrandice, and farder Security to the ſaids *W. D.* elder and younger, and to the ſaid *J.F.* and their foreſaids, of the ſaid *D. R.* and his foreſaids, their effectual Performance of the ſaid Bargain of 300 Bolls Bear, (Compting at —---- *per* Boll, and —— Barrels Salmond, Compting each Barrel Salmond, and Barrel Griſſes at the reſpective Rates above-ſpecified,) and all of the *Product* and Excreſce of the ſaid *D. R.* his Lands, Waters and Eſtate in R. and for Payment and Delivery thereof yearly, at the Times, Places, Cropts, years and Seaſons, and with the Meaſure above-mentioned, ay, and while the ſaid Sum of ---— Thouſand Merks, and other Sums advanced, and to be Advanced by them for the ſaid D. R. as ſaid is; And Extending in manner above-expreſt with the Annualrent thereof from *VV.* laſt during the not Payment, be fully, and compleatly Payed, in, and by the manner of Compting above-rehearſed, and particularly mentioned, and ſet down in the ſaids Articles of Agreement: As alſo, in real Warrandice and Security of the ſaid D. R. and his foreſaids, their Payment and Delivery to the ſaids W. D. elder and younger; and *J.F.* and their foreſaids yearly, during the time of the ſaid Bargain, of what furder Victual, Salmond, and Griſſes, the ſaid D. R. ſhall have, and that his Eſtate will realy yield to him attour the ſaid yearly Bargain, which he now calls towards —— Bolls Bear, and —— Barrel *Salmond*, and ----- Griſſes,) and that at the ſame *Price*, and Rate, as that of the ſaid Bargain in manner at the Terms, Times, Places; and the ſaid Victual with the Meaſure above-rehearſed, and that he ſhall not put away, or *Sell*, or Diſpoſe on the ſaids Overpluſs by them, unleſs he make Uſe of, and Diſpoſe thereupon for his Family as ſaid is; and likewiſe in real Warrandice and *Security* of the ſaid D. R. his Payment to them of the ſaid Liquidat Failzies and *Pennalties*, for ilk undelivered Boll, and Barrel of Salmond, or Griſſes yearly, at the Terms above-ſpecified, with Annualrent thereafter during the not Payment, conform to the ſaids Articles of Agreement and Obligment of Delivery, and Payment above-expreſt: And in like manner, in real Warrandice and Security to them of all *Sums* of Money, the ſaids W. D. elder and younger, and *J. F.* or their foreſaids have Advanced already, or ſhall happen to Advance to, and for him; And laſtly, in real Warrandice and Security to them of, and againſt, all Incumbrances on the ſaid Eſtate, that may prove Derogatory, and Prejudicial to the ſaid Bargain and Payments, and which they ſhall be Forced to Purge and acquire for the more peaceable Injoyment and Poſſeſſion of the ſaid Bargain and Benefit thereof, and of their Re-payment of the *Sums*, due by vertue of the Rights ſo to be acquired, with what Intereſt, Damnage, and Prejudice they may ſuſtain and Incurr by, or through the ſaids Incumbrances; or in Purſute, or Defence of their ſaid Bargain: and making the ſame (with their Payments and Relief) effectual. *So* that if it ſhall happen the ſaid D.R. or his foreſaids, to Faill in the performance of the ſaid Bargain of-----Bolls Bear, &——Barrels Salmond, or Griſſes, with what farder of Victual, Salmond, or Griſſes, the Eſtate ſhall yield over and above the ſaid Bargain, (except in the one Caſe above-ſpecified, of the ſaid *Superplus*, being *Spent* in the ſaid D.R. his own Family as ſaid is,) and that yearly, the Cropts and Years of the ſaid Bargain, and of the Quality, at the Terms, Times, Places, and with the Meaſure above-expreſt, and Compting always in manner foreſaid; And notwithſtanding, ſhall nor make Payment to them of the ſaids liquidat Failzies and Prices for ilk undelivered Boll & Barrel at the terms above-written, & with Intereſt thereafter as above-rehearſed, or that the ſaid D.R. or his foreſaids Fail in Payment of what they have already Advanced, or hereafter ſhall happen to Advance to, and for him, or

that the ſaid D. R. and his foreſaids ſhall not repay to them; The *Sums* that they ſhall be Forced to Advance for purging of Incumbrances that Affect the ſaid Eſtate, and may diſquiet them in their Poſſeſſion, and Injoyment of the ſaid Bargain, and prejudge them as to their ſaid payment and Relief, or yet ſhall not make payment to them of what Intereſt, Damnage and prejudice they ſhall happen to Suſtain by, or through the ſaids Incumbrances, and in Defence or Purſute of the ſaid Bargain, Payments and Relief, then, and in either of theſe Caſes, the ſaids W. D. elder and younger; and *F. F.* and their foreſaids ſhall have full and free Regreſs, Ingreſs, and Acceſs in, and to the foreſaids Lands, Barony, Milns, Miln-Lands, Woods, Fiſhings, and others particularly, and generally above-ſpecified, wherein the ſaid D. R. is Obliged to Inſeſt them as ſaid is: And in, and to the firſt beſt and readieſt of the Mails, Farms, Profits, and Duties of the ſame in time coming; at leaſt in, and to ſo much thereof as will Correſpond, and will be effeering to, and Satisfie and pay the ſaid yearly Penalties, and liquidat Prices of each undelivered Boll and Barrel with the Intereſt thereof, after the time appointed for Delivery, and during the not *Payment*; and as well ſatisfie and pay them of their ſaids Advancements; and likewiſe, ſatisfie and pay them ſuch Sums of Money as they ſhall happen to Advance for purging and acquiring ſuch Incumbrances as Affect the ſaid Eſtate, and as may prejudge them as to the Poſſeſſion and Injoyment of the ſaid Bargain and Benefit thereof, with Intereſt after Advance, and during the not payment; Together with what Intereſt, Damnage, and prejudice they ſhall happen to ſuſtain and incurr by, or through the ſaids Incumbrances; and in Defence or Purſute of their ſaid Bargain, Payments, and Relief. And that by Double Infeftments, and manner of Holdings, the one thereof to be Holden of the ſaid D. R. and his foreſaids, in free Blench for payment of a Penny *Scots* Money upon the Ground of the ſaids Lands, at the Feaſt of W. yearly, in name of Blench Farm, if it be asked allenarly. And the other of the ſaids Infeftments, to be Holden from the ſaid D. R. and his foreſaids, of his immediat lawful Superiors of the ſame, ſicklike, and alſe freely in all reſpects, as he Holds, or may Hold the ſame himſelf, and that by Reſignation, or Confirmation in their Option, (the acceptation of the one, to be no ways prejudicial to the other;) and for that Effect to make, Grant, Subſcrive, and Deliver to them, Diſpoſitions containing Procuratories of Reſignation, Charters containing Precepts of Seaſin, and other Securities Requiſit and neceſſary thereanent, with Warrandice always in manner under-written, (beſides the real Warrandice above-mentioned, and but prejudice thereto in manner after expreſt) and all on the ſaid D. R. and his foreſaids, their own proper Charges, Moyen, and Expenſes; and for the better obtaining of the foreſaid Infeftment by Reſignation, (but prejudice of the other Infeftment above-written,) The ſaid D. R. of B. (with Conſent foreſaid,) by thir Preſents, Makes, Conſtitutes, and Ordains ——, and ilk one of them, Conjunctly and ſeverally, his very lawful indoubted, and Irrevocable Procurators, Actors, Factors, and ſpecial Errand bearers, to the Effect after-ſpecified, Giving, Granting, and Committing to them, Conjunctly and ſeverally as ſaid is, his very full, free, plain Power, expreſs Bidding, Mandat and Charge, for him in his Name, and upon his Behalf; to Compear before *Our Soveraign Lord*, The King's Moſt Excellent Majeſty, and His Royal Succeſſors; and any others, the Superiors of the ſaids Lands, Barony, Milns, Miln-Lands, Woods, Fiſhings, and others above-ſpecified with the Pertinents, or their Commiſſioners in their Names, having their Power to receive Reſignations, and thereupon to Grant new Infeftments; any Day and place lawful and convenient: And there with all due Humility, and condign Reverence as becomes, purely and ſimply, by Staff and Baſton as uſe is, to Reſign, Surrender, Overgive and Deliver: Like as, the ſaid D. R. (with

(with Conſent foreſaid,) by thir preſents, Reſigns, Surrenders, Overgives, and Delivers, all and ſundry the foreſaids, Towns, Lands, Barony, Milns, Miln-Lands, Manor-places, Houſes, Biggings, Yeards, Orchards, Woods, Fiſhings, Moſſes, Muirs, Maraſhes, Outſets, Inſets, Tennents, Tennandries, Services of Free-Tennents, Annexis, Connexis, Dependences, Heretable-Offices, Superiorities, and others reſpective, particularly, and generally above-ſpecified, contained in the ſaid Obligment to Infeft all lying as ſaid is, and here Holden as fore-expreſt, *Brevitatis cauſa*) and that in real Warrandice, and farder Security to the ſaids *W. D.* elder and younger, and *J. F.* and their foreſaids, of the ſaid *D. R.* and his foreſaids, their Effectual Performance of the ſaid Bargain, and of what furder Victual, Salmond and Grilſes the ſaid D. R. ſhall have, and that his ſaid Eſtate will yearly yield to him, (attour the ſaid yearly Bargain, and excepting in the one Caſe foreſaid) and that yearly, of the Extent, Quality, at the Rates, of the Cropts, Years, Seaſons, Meaſure, at the Times, Places, and Compting in manner, and according to the Method and Order above-expreſt, and at length ſpecified in the ſaids Articles of Agreement, Additional Bargain and Advance, and Obligment of Payment and Delivery above-mentioned, and of his Payment to them of the ſaids liqnidat Failzies and Penalties for ilk undelivered Boll, and Barrel of Salmond and Grilſes yearly at the Terms above-rehearſed, with Annualrent thereafter, during the not Payment; And in like manner, in real Warrandice and Security to them of their ſaids by-gone and future Advancements for, and to him, by-gone, preſent or future: And of all Incumbrances on the ſaid Eſtate, and of their Repayment of the Sums due by vertue of the Rights & Incumbrances to be acquired by them, with their Intereſt, Damnage, and Prejudice above-ſpecified, and with the priviledge, power and liberty of Regreſs, Ingreſs and Acceſs to the ſaids Lands and Eſtate, and Mails and Duties thereof, and firſt, beſt and readieſt of the ſame, in manner, in the reſpective Caſes, and according to the extent and latitude above-expreſt, in the Hands of the ſaids lawful Superiors, or their Commiſſioners above-mentioned, in favours and for new Infeftment of the ſame, to be made and granted to the ſaids W. D. elder and younger, and *J. F.* and their foreſaids, in real Warrandice, as ſaid is, to be holden of the ſaids Superiors, in ſuch due and competent-Form as accords, Acts, Inſtruments and Documents one or more as need beis in the Premiſſes, to ask and raiſe, and generally all and ſundry other things thereanent, to do, uſe, and exerce, ſicklike and als freely in all reſpects as the ſaid *D. R.* might do therein himſelf if he were perſonally preſent, promiſing to hold firm and ſtable, *&c.* and whilks Infeftments (and either of them) ſhall bear and contain this expreſs Clauſe of Warrandice following; likeas (now as if the ſaids Infeftments, and either of them were already made and paſt, and then as now) the ſaid *D. R.* (with conſent foreſaid) by thir Preſents, Binds and Obliges him and his foreſaids, to warrand, acquit and defend the foreſaid Obligement to Infeft, Reſignation and Infeftments to follow hereupon, Lands, Barony, and others therein-contained, to be ſufficient, free, ſafe and ſure to the ſaids W. D. elder and younger, and *J. F.* and their foreſaids, during the haill time of the ſaid Bargain, and ay and while the ſame be effectually performed and fulfilled, and they payed of their ſaids Advancements, particularly of what they ſhall be forced to advance for purging Incumbrances as ſaid is, and of their Intereſt, Damnage and Prejudice above-written, from all and ſundry Wards, Releifs, Non-entries, Eſcheats, Liferents, Forfeitures, Conjunct-fees, Ladies-Terces, former Alienations, privat and publick Infeftments, Appryſings, Adjudications, Wodſets, Annualrents, Inhibitions, Interdictions, Recognitions, Diſclamations, Purpreſtures, Reductions of Infeftments, Services and Retours, and generally from all and ſundry Perrils, Dangers, Burdens, Nul-

lities and Inconveniencies whatſomever, als well not named as named, bygone, preſent as to come, which may any ways ſtop, trouble or impede them in the peaceable Poſſeſſion thereof, or Intromiſſion with the Mails and Duties of the ſame in time-coming (ſo far as may be extended to their ſaid Bargain, Payments and Releif, and to their Intereſt, Damnage and Prejudice above-mentioned) at all Hands and againſt all Deadly, (excepting furth of the ſaid Warrandices real and abſolute, ſuch Wadſets as the ſaid *D. R.* has granted of ſome parts of the ſaids Lands during his not Redemption thereof, and Dame —— *S.* his Lady her Liferent of —— Chalders Victual whereunto ſhe is provided by Contract of Marriage, of all Years and Terms after his own deceaſe, during her lifetime (in caſe ſhe ſurvive him,) and but prejudice always to the ſaids W. D. elder and younger, *J. F.* and their foreſaids, to affect and recur upon the reſt of the ſaid *D. R.* his Eſtate, conform to their ſaid Right and real Warrandice, and to defend themſelves by vertue of their other Rights above-narrated, againſt any perſon or perſons (except the ſaid *L.*) who may quarrel or impugn their ſaids Rights as accords. And it is hereby declared, that the foreſaid abſolute Warrandice, ſhall be but prejudice of the ſaid real, and the ſaid real but prejudice to them of the ſaid abſolute Warrandice, and that it ſhall be ſtill lawful to them, and in their power, to make uſe of both, or either of them, conjunctly or ſeverally (the one but prejudice of the other, in their option) ay and while the ſaid Bargain be effectually performed, and they payed of all their Advancements and Engagements, Intereſt, Damnage and Prejudice above-ſpecified, in manner, in the terms, and according to the extent and quality above-rehearſed. And farder, and in Corroboration as ſaid is, the ſaid *D. R.* (with conſent foreſaid) hereby Aſſigns, Transfers, and Diſpones in their favours, the haill Writs and Evidents (both old and new) of the ſaids Lands, Barony, Milns, Miln-Lands, Woods, Fiſhings, and others foreſaids, with the Tacks, Aſſedations, Decreets of Platt, and Prorogations, Valuation, and other Rights made to him, his Authors and Predeceſſors, of the Teinds, Parſonage and Viccarage thereof, and Rights of the Annuities of the ſaids Teinds in time-coming, and conſtitutes them his Aſſigneys, in and to the Mails and Duties of the ſaids Lands, Barony, Milns, Miln-Lands, Fiſhings, and others foreſaids alſo in time-coming, ſo far as may be extended to, and ſecure them in the performance and payment of the ſaid Bargain, and conform to the ſaids Articles of Agreement, additional Bargain, and Advancements, Perſonal Obligment, and real Warrandice above-mentioned, and in the terms thereof, and as may be extended to, and ſatisfie them of their ſaid Advancements, upon the account of the ſaid real Incumbrances, or otherways, and payment of their Intereſt, Damnage and Prejudice above-mentioned, and no further: And of the which Writs and Evidents of the ſaids Lands and Teinds, the ſaid *D. R.* obliges him and his foreſaids (on their own Charges) to deliver to the ſaids W. D. elder and younger, and *J. F.* and their foreſaids, Judicial Tranſumpts before the Lords of Seſſion, or other Judges competent, at leaſt to the extent of a Legal Progreſs, and to make the Principals of ſuch as are not Regiſtrat furth-coming to them, in all Caſes and Cauſes wherein Tranſumpts ſhall not be ſufficient; with full Power to them (in caſe the ſaid *D. R.* and his foreſaids fail in performance of the ſaid Bargain, and likeways in payment of the liquidat Failzies and Prices of each undelivered Boll and Barrel, at the times appointed for that effect, with the Intereſt thereof as ſaid is, or yet fail in payment of their ſaids Advancements for him, particularly of what they ſhall be forced to pay out in acquiring the ſaids Incumbrances, and in payment of the ſaid Intereſt, Damnage and Expenſes above-expreſt) to enter to the Poſſeſſion of the ſaids Lands, Barony, Milns, Miln-Lands, Teinds, and others above-mentioned; and to Intromet with, Uplift, Ask, Crave and Receive the Mails,

Farms,

Farms, Kains, Cuſtoms, Caſualities, Profits and Duties thereof, (at leaſt ſua much of the ſame as will be correſpondent and effeiring in quantity and quality to theſe things wherein the ſaid *D. R.* or his foreſaids ſhall faill and be wanting and defective in,) and that *brevi manu* at their own Hand, without any hazard of Intruſion, Spuilziation, Riot, or Perril of Ejection to be incurred by them therethrow, or in their option (in the uſual way) to ſet and raiſe Tennents, uſe Warning, proſecute Removing, Decteets in the Premiſſes to obtain and recover before any Judge competent; and the ſame (and what Diligences they already have upon the ſaid Right of Annualrent, Appryſing and Eſcheats, or all of them) to due and lawful Execution cauſe be put; and generally all and ſundry other things anent the Premiſſes, to do, uſe & exerce, ſicklike, and als freely in all reſpects as the ſaid *D. R.* and his foreſaids might do therein themſelves at any time before the granting of thir preſents, and before the Rights and Diligences above-narrated, and in ſo far as may be extended as ſaid is, in manner above-expreſt. And the ſaid *D. R.* (with conſent foreſaid) obliges him and his foreſaids, to warrand the foreſaid Aſſignation to the ſaids Writs and Evidents, and Mails and Duties at all Hands, and to the ſaids Teinds, from their own proper Facts and Deeds, (excepting in manner as is above-excepted in the ſaid abſolute Warrandice, and with the quality therein-expreſt;) and in caſe it ſhall pleaſe the ſaids W. D. elder and younger, and *J. F.* their Heirs and Aſſigneys above-ſpecified, to hold the ſaids Lands, Barony, Miln, Miln-Lands, Fiſhings. and others foreſaids of the ſaid *D. R.* and his foreſaids, as their immediat lawful Superiors thereof, he Binds and Obliges him and his foreſaids, to enter and receive the ſaids Heirs and Aſſigneys, in Vaſſals to them therein (from time to time) *gratis*, freely, but any Compoſition, and not to ly out themſelves unentered in the Superiority to their prejudice. And in caſe any Caſuality by Eſcheat, Liferent, or otherways, ſhall happen to fall in their Hands as Superiors foreſaids, he Binds and Obliges him and his foreſaids, to Aſſign and Diſpone the ſame in their own favours, or to any other perſon they pleaſe, for their Behoof, and that likewiſe *gratis*, freely, but any Compoſition, likeas (now as if the ſaids Caſualities were already fallen out & occurred and then as now) he *per verba de preſenti* (for him and his foreſaids) Aſſigns and Diſpones the ſame in their favours for ever. And however (in caſe of the ſaid *D. R.* or his foreſaids their failzure in all or either of the Caſes and Matters above-mentioned) the ſaids W. D. elder and younger, and *J. F.* are Impowered, and have Right to Poſſeſs the ſaids Lands and Eſtate, and Intromet with the Mails and Duties thereof, to the extent above-mentioned, and that accordingly they do Poſſeſs and Intromet; yet it is hereby expreſly Provided and Declared, that in caſe of their entry to the ſaid Poſſeſſion, they ſhall only be lyable for their actual Intromiſſions, and to aſcribe what they truely Intromet with and Receive, in Payment and Satisfaction of any part of what due to them *pro tanto*, and ſhall no ways be lyable upon the pretence of Omiſſions, Waſte-Land, or not doing Diligence. And it is alſo hereby declared, that (notwithſtanding they do enter to the Poſſeſſion) it ſhall be lawful to them (when they think fit) to deſiſt from, and leave the ſaid Poſſeſſion, (they making always Intimation thereof by way of Inſtrument to the ſaid *D. R.* and his foreſaids,) and to uſe all Execution againſt the ſaid *D.* and his foreſaids upon thir Preſents, or former Rights, or both, for performance thereof, without prejudice always to the real Rights and Infeftments which are always to ſtand & affect the ſaid *D. R.* and his foreſaids, and their Eſtate, ay & while they perform, ſatisfie and pay, conform to the tenor thereof in all points. And it is farder hereby Provided and Declared, that in caſe the ſaids W. D. elder and younger, and *J. F.* or their foreſaids, be diſquieted and troubled in their ſaid Bargain, or precluded from their Payments by any prior Rights

and Incumbrances on the ſaid Eſtate, and that thereby they be forced and neceſſitat to acquire the ſame, then and in that caſe it ſhall be lawful to them, not only to make uſe of theſe Rights that they ſhall buy in and acquire, but alſo of all other Rights ſtanding in their perſons, als well as this preſent Right and Inſeſtments to follow thereon, as accumulative or diſtinct Rights, the one but prejudice of the other, in their option, and that but any innovation or confuſion of Rights, ay and while they be compleatly ſatisfied and payed both of the ſaid Bargain, conform to the ſaid Articles of Agreement, and of all other Sums advanced by them, or wherein they ſtand engaged for the ſaid *D. R.* with their Intereſt, Dammage and Prejudice above-expreſt. And laſtly, it is hereby Provided, that upon the ſaid *D. R.* and his foreſaids their performance of the ſaid Bargain in the terms thereof, and their being payed of ſuch Sums as they have, or ſhall advance for, and to him, with what Sums they ſhall give out for acquiring of the ſaids Incumbrances, and due by the Rights thereof, and what Intereſt, Dammage and Prejudice they ſhall happen to ſuſtain and incur in manner above-ſpecified, that then, and incontinent thereafter, they ſhall be holden and obliged, and by the acceptation hereof, bind and oblige them, either to renounce or diſcharge the foreſaids haill Rights and Inſeſtments, or in the ſaid *D. R.* and his foreſaids their option, (and with their conſents) to diſpone the ſame to any perſon or perſons they pleaſe, but with Warrandice only, that they have not made nor ſhall not make any other Diſpoſition or Right thereof to no other perſon nor perſons in prejudice thereof, and the Cauſes for which to be granted being ſo as they may do the ſame with ſafety, and without being recurred upon or againſt by any perſon or perſons, for, and upon the account of their Intromiſſions or Payments otherways. *After this there followed a Clauſe of Regiſtration, and Precept of Seaſin; but in the cloſe of the Precept, and before* in Witneſs whereof, *this Clauſe was inſert,* and that with and under the Proviſions, Conditions, Limitations and Exceptions above-rehearſed. And in witneſs whereof, the ſaids Parties and other Perſons Conſenters above-named have ſubſcribed thir Preſents (written by ——) with their Hands, Day, Month, Year of God, and Place *reſpective* foreſaids, before thir Witneſſes.

CONTRACT of Few betwixt a Nobleman and a Gentleman, according to the ancient Stile, ſeen by me in a Charter-Cheſt, and much imitating (in the diſpoſitive Clauſe) that of Church-men, albeit the Cauſe of the ſaid Feus differ; That of Church-men being founded on Laws then in force allowing Church-mens Feus for improving and bringing in waſte Ground; And the other for Sums advanced at the granting of the Right, and contains ſome ſingular things worthy of Obſervation.

AT —— the —— day of —— —— years, it is Appointed, Contracted, finally Agreed and ended, betwixt a Noble and Potent Earl, J. *E.* of *S.* heretable Proprietar of the Lands and others after-diſponed, and feued out with the Pertinents on the one part, and *A. S.* of —— on the other part, in manner following: *That is to ſay,* Foreſameikle as the ſaid *A. S.* has inſtantly advanced, payed and delivered to the ſaid Noble *E.* in numerat and down-told Silver, uſual current Money of this Realm of *Scotland,* (for outredding his Lo. neceſſary lawful and urgent Affairs) whereof the ſaid Noble *E.* holds him well content, ſatisfied and payed, and for him, his Heirs and Executors, Exoners and Diſcharges the ſaid *A. S.* his Heirs, Executors, and all others whom it effeirs, of the ſame (renuncing the Exception of

of not numerat Money, and all other Exceptions and Objections of the Law whatſoever, that may be proponed or alledged in the contrair) for now and ever. *Therefore* the ſaid Noble *E.* has Sold, Annalzied, Diſponed, and in Feu-farm letten, and for ever given out and dimitted, and by thir preſents Sells, Annalzies, Diſpones, and in Feu-farm lets, and for ever gives out and dimitts, to and in favours of the ſaid *A. S.* of —— and to the Heirs-male lawfully procreat, or to be procreat of his Body, which failzeing, to his other Heirs male whatſoever, whilks all failzeing, to his Heirs whatſoever, and their Aſſigneys heretably, *all and haill* the ſaid Noble *E.* his Town and Lands of —— (*here Inſert all the Lands Feued out with the Priviledges and Pertinents as Agreed upon, and the Bounding if any be,* and then ſay) Lying within the Parochin of ——, and Sheriffdom of ——, with the Priviledge of Holding Courts on the ſaids Lands, for making the Rents thereof Effectual; and upon Blood, and Blood-Wites within the Bounds thereof by themſelves, or Deputs for whom they are to be Anſwerable, and with Power to them to Conſtitute their own Clerks, and other Members needful for that Effect, together with the Parſonage Teinds, or Teind-Sheaves thereof included, and never to be ſeparat from the Stock in time-coming, together alſo, with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, as well Petitor as Poſſeſſor, whilks the ſaid Noble *E.* his Heirs and Succeſſors had, has, or any ways may have, Claim, or pretend thereto; or to any Part or Portion thereof, or to the Mails, Profits and Duties of the ſame, by whatſoever manner of way in time coming, reſerving always to his Lordſhip and his Heirs, and Succeſſors, the Thirlage of the ſaids Lands to his Lordſhips Miln of ——, to which the *A. S.* and his foreſaids, and their Tennents are always hereby Bound to come, and Grind their Corns growing upon the ſaids Lands thereat, (excepting Teind ſeed, and Maſters Farm, without the ſaid Farm, Thole, Fire and Water on the Ground) and to pay all the Accuſtomate Duties and Services thereat, according to Uſe and Wont; and the ſaid Noble *E.* by thir Preſents faithfully Binds & Obliges him, his Heirs and Succeſſors, duely and ſufficiently, to Infeft and Seaſe the ſaid *A. S.* and the Heirs Male of his Body, whilks Failzieing, his other Heirs Male, and of Tailzie above-ſpecified, and their Aſſigneys, Heretablly in all and ſundry the Lands, Parſonage, Teinds and others above-ſpecified, Feued out, and Diſponed to them in manner above-mentioned, (with the Burden always of the Thirlage above-ſpecified) *To be Holden*, the ſaids Towns, Lands, Parſonage, Teinds and others foreſaids, with the Pertinens lying as ſaid is; to the ſaid *A. S.* and his foreſaids, of the ſaid Noble *E.* and his above-ſpecified in Feu, Farm and Heritage for ever, for Payment to the ſaid Noble *E.* and his foreſaids, of the *Sum* of —— uſual Money of this Realm yearly, at two Terms in the year, W. and M. in Winter by equal Portions in name of Feu, Farm, Duty, beginning the firſt Terms payment thereof at the Term of W. next to come, (for the Term immediately preceeding) and ſo furth termly there after at the Terms, and by equal Portions in manner foreſaid in all time-coming. And Doubling the ſaid Feu duty the firſt year of the Entry of each Heir, or Heirs to the ſaids Lands and others foreſaids as Uſe is of Feu-Farm allenarly, and that for all other Burden, Exaction, Queſtion, Demand, or ſecular Service that may be any ways asked or required furth of the ſaids Lands, Teinds & others foreſaids, by whatſomever Perſon, or Perſons any manner of way in time-coming: and the ſaids Noble *E.* Binds and Obliges him and his foreſaids, to Make, Grant, Subſcribe, and Deliver to the ſaid *A. S.* and his foreſaids, an ſufficient Charter containing Precept of Saiſing, and other Securities requiſit and neceſſar thereanent, with Warrandice always in manner under-written; and in like manner, Binds and Obliges him and his foreſaids, to Warrand the ſaid Contract of Feu-Lands, Parſonage, Teinds and others above-diſponed, and Feued out with the

Pertinents therein contained, Charter and Infeftments to follow thereupon to be Sufficient, Free, Safe and Sure to the ſaid *A. S.* and his foreſaids, from all and ſundry, Wards, Reliefs, None-entries, Marriages, (and ſingle and double Avails thereof,) Eſchears, Liferents, Forfeitures, Recognitions, Diſclamations, Purpreſtures, Inhibitions, Interdictions, Appryſings, Adjudications, Conjunct-Fees, Liferents, Ladies Terces, former Alienations, privat and publick Infeftments, Annualrents, Reductions of Infeftments, Services and Retours, Tacks, Aſſedations long or ſhort, and from all and ſundry other Perils, Burdens, Dangers and Inconveniences whatſomever, alſe well not named as named, bygone, preſent as to come, whilks may any ways ſtop, trouble, or impede them in the peaceable Poſſeſſion, Bruicking and Joyſing of the ſaids Lands, Parſonage, Teinds and others above-diſponed and Feued out, or any part or Portion thereof, or in the Intromiſſion with the Mails and Duties of the ſame, of the Cropt and year after Aſſigned, or thereafter in any time coming, at all hands, and againſt all Deadly as Law will, (Reſerving always to the ſaid Noble *E.* and his foreſaids, the Thirlage of the Lands and others Above-diſponed, and Feued out with the pertinents to his Lordſhips Miln aforeſaid in manner, and in the Terms above-expreſſed;) And in caſe the Right of the ſaids Lands, Teinds and others foreſaids ſhall be brought in Queſtion; The ſaid Noble E. Binds and Obliges him and his foreſaids at their own Charge, not only to Warrand and Defend the ſaid *A. S.* and his foreſaids therein, and of its event, (if to their prejudice,) but alſo to make the Writs and Evidents thereof Furth-coming to them for that Effect when deſired thereto; The ſaid *A. S.* and his foreſaids making due and lawful Intimation of any ſuch Actions of Eviction to the ſaid Noble *E.* and his foreſaids timeouſly, (at leaſt before Litiſconteſtation be made in the Cauſe) to the effect they may Compear, Concurr and Defend therein as accords of the Law. And farder, the ſaid Noble *E.* by thir Preſents Binds and Obliges him and his foreſaids, that in caſe at any time hereafter the Right of the ſaids Teinds ſhall be called in Queſtion, and Legally Evicted by due Courſe of Law, to make up the ſame to them by obtaining and procuring to them ſufficient, valid, Heretable and perpetual Rights of the ſame in their Perſons, at leaſt in the ſaid *E.* and his foreſaids, their own Perſons, and to Convey, Make-over, and Tranſmit the ſame in Favours of the ſaid *A. S.* and his foreſaids, (relative to, and in the Terms of the ſaid Feu-Right, and with Warrandice as is above-rehearſed,) and that Gratis freely, but any Compoſition in reſpect of the Price foreſaid, payed yearly for Stock and Teind in manner above-expreſſed: And in like manner, the ſaid Noble *E.* by thir Preſents makes, Conſtitutes, and Ordains the ſaid *A. S.* and his foreſaids, his very lawful, Indoubted, and Irrevocable Ceſſioners and Aſſigneys, in, and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids, and Teind-ſheaves, and Parſonage-Teinds thereof, of the Cropt and year, —— years, and yearly and Termly thereafter in all time coming, and all Action and Inſtance Competent, or that may be Competent for the ſame, for now and ever, *With full Power to the* ſaid *A. S.* and his foreſaids to Intromet, Uplift, Ask, Crave, and Receive the foreſaids Mails Farms, Kains, Cuſtoms, Caſualities, Profits, Duties and Teinds of the ſaids Lands and others foreſaids of the ſaid Cropt and year, —— years, and thereafter in all time coming, and thereupon to Uſe and Diſpoſe at pleaſure, and to call and Purſue therefore, uſe Warning, Proſecute Removing, Decreets in the Premiſſes, to Obtain and Recover, and the ſame to due and lawful Execution cauſe be put, and upon Payment to grant Diſcharges, whilks ſhall be ſufficient to the Receivers, and to keep Courts yearly, or oftener (if need beis) on the ſaid Ground, for making the Duties effectual, and upon Blood, and Blood-Wites, and any Crime not Capital, or inferring Death, and to Fyne

and

and Puniſh the Abſents, Deficients, and Tranſgreſſors according to Law, and the Eſcheats, Mulcts, Fynes,& Amerciaments of Courts,to Uplift and exact, and the ſame for their own proper Uſe, to apply, and Generally all and ſundry other things anent and in the Premiſſes, to Do, Uſe, and Exerce, ſiclike, and als freely in all Reſpects, and to all Intents and Purpoſes, as the ſaid Noble *E.* might have done therein himſelf before the Granting of thir Preſents, and Entring in this Feu-Contract; And the ſaid Noble *E.* Binds and Obliges him and his foreſaids to Warrand the ſaid Aſſignation to the ſaids Teinds in manner above-ſpecified, and the ſaids Mails and Duties from his own proper Fact and Deed done or to be done in prejudice thereof allenarly, as alſo to Warrand and Relieve the ſaid *A. S.* and his foreſaids of all Ceſſes, Taxations and other publick Burdens and Impoſitions whatſoever, Due and Payable, furth of the ſaids Lands, with the Pertinents of all years, Terms, and Months preceeding the Feaſt and Term of —— laſt by paſt, being the Term of their Entry thereto, they always Relieving the ſaid Noble Earl and his foreſaids of the like Burdens and Impoſitions, ſenſyne, and in time-coming. But as to all Miniſters and School-Maſters Stipends, and Augmentations thereof,Annuities of the ſaids Teinds, Taxations and other Impoſitions that may Affect and Burden the ſaids Parſonage Teinds in all time-coming, (in reſpect the ſaid *A. S.* payed equal Price for the Teind as for the Stock, and effeiring thereto) The ſaid Noble *E.* Obliges him and his foreſaids, to Warrand, Relieve, and Diſburden them of the ſame yearly & Termly in all time-coming,and to make the Acquitances and Diſcharges thereof furthcoming to them when Required; And if through want thereof, they be Diſtreſſed, and Forced to make Payment; the ſaid Noble *E.* Binds and Obliges him and his foreſaids to Re-imburſe them therein, *Cum omni Damno* conſenting thir Preſents be Regiſtrat, *&c.* and to that Effect both Parties hereby Conſtitutes —— their Procurators, *&c. Attour*, to the Effect, the ſaids *A. S.* may be lawfully Infeft in the ſaids Lands Parſonage, Teinds and others Above-Diſponed (and Feued out) with the Pertinents to be Holden in manner foreſaid; The ſaid Noble *E.* by thir Preſents Makes, Conſtitutes, and Ordains ——, or any one of them Conjunctly and Severally, his Indoubted and Irrevocable Baillies to the Effect after-ſpecified, with full and ample Power, Warrand and Commiſſion to them, Conjuctly and Severally as ſaid is, to paſs to the Ground of the ſaids Lands and others foreſaids, and there give Heretable State and Seaſing, Actual, Real, and peaceable Poſſeſſion of the ſaids Towns, Lands and others above-Diſponed with the Pertinents lying as ſaid is, and here Holden as fore-expreſt *brevitatis cauſa*,and of the Teind-ſheaves,and Parſonage Teinds, of the ſame to the ſaid *A. S.* or his Actorny in his Name, Bearer of thir Preſents, and that by Deliverance to them of Earth and Stone of the ſaids Lands, and an Handful of Corn for the ſaids Teinds upon the Ground thereof as Uſe is, and this on no ways they leave undone, the whilk to do, gives full Power thereanent, by this the ſaid Noble Earl, his Precept of Seaſing Granted for that Effect, (to be Holden in manner above-ſpecified; and with the Reſervation of the Thirlage of the ſaids Lands to his Lordſhips Miln aforeſaid, in manner, in the Terms, and to the Extent and Latitude above-expreſt, in Witneſs whereof, both the ſaids Parties have Subſcribed thir Preſents, (Writen by —— with their Hands Day, Month, Year of GOD, and place Reſpective foreſaid, before thir Witneſſes.

OBSERVATIONS on Contracts of Feus.

1. *I have ſeen where (with the Lands) a* Miln *has been diſponed with the* Thirlage, *and ſo no neceſſity of Reſervation of the Thirlage of the Lands feued out to any other* Miln.

2. *I have seen not only such particular Lands, and a Miln thereupon feued, but also the Rent of the* Miln *was not only made up of these particular Lands, but even of other adjacent Lands belonging to the said Heretor* (*who* Feus) *In which case the other Lands were Thirled to the* Miln *also well as the Lands actually Disponed and* Feued *out, else the Acquirer should have payed a price for nothing, as to the Thirle of the other Lands, and thereby the Acquirer is bound to know what* Sucken *the* Miln *hath, that it may be Thirled as formerly, and* per expressum, *else he is prejudged, and in a* Feu: *A general Clause of the Thirlage used and wont, is dubious, and to be specifick, puts the Matter beyond Question in Law, should the matter afterwards be contraverted.*

3. *I have seen* Stock *and* Teind *equally* Feued *and Disponed, but the Acquirer hath been obliged to pay the Minister such a competency of the* Stipend (*for the granter of the* Feu *his relief*) *and the* Feu-duty *was made the less; and as it was just for the Granter to cede to it; so it was more safe for the Acquirer, because when a Church is competently provided, there is no ground of Augmentation: And that a Church must and should be provided, is clear, and beyond all peradventure; whereas if a man take a* Feu *of* Teind *also well as* Stock, *without the burden of a part of the* Stipend (*and correspondent to the Land*) *should an augmentation afterwards fall out, it is hard to know in what condition the Granter of the* Feu *may be in, or of what value his* Warrandice *may be of; and so* Tutius est, *to take on* (prima instantia) *a proportional part of the* Stipend, *which secures the Vassal* in eventu: *And I have the same opinion of* Wodsets, *where Teynd als well as* Stock *are* Hypothecat.

I have seen in Feus *Clauses irritant, in case of not payment of the* Feu-duty, *as if two Terms run in the Third, or the like* (*yea if one Term run in the second, which was severe*) *the* Feu *should fall without Declarator.*

I have seen also all Irritancies discharged, only power left to poynd the Ground, in case of Contravention of the Terms therein prefixed.

I have seen a pactum de non alienando & non contrahendo *in* Feus *without Consent of the Superior, else the* Feu *to fall.*

I have seen Feus (*by a Subject*) cum Maritagio, *and the Marriage liquidat to* 300 *Merks* cum contigiret, *which was lawful being a* Pactum *in the* Feu: *But here the Question arises, afterwards the* Feuer *acquires Lands holden* Ward *of the King and becomes his Majesties Vassal, and should a Marriage fall, to whom shall it belong, for the King* (*and justly*) *will claim it, and as to the Marriage preferable to all Superiors, and will be modified by the Lords, not simply upon Consideration of what holds of the Crown* Ward; *but also what other Estate the Vassal has holden of King or Subject: and yet upon the other hand, the other Superior will contend, that whatever his Majesties preference may be* (*and in which he will not contend*) *yet this person Vassal* (*now to both*) *had this* Feu cum Maritagio *of the Subject Superior some scores of years* (*if not a Century or two*) *before ever they had any Lands holden of the King, and so the after Acquisition can never preclude the Superior, that is a Subject of his* jus proprium, *viz. The* Marriage *liquidat by the* Feu-Infeftment *so long antecedent, specially seing it was an expres Term of the Feu, but for these* (*and the like Questions*) *I leave them to Lawers to plead, and the Lords to judge and determine.*

Some Feus *bear* Compearance *at three Head-Courts of the Superior, or* Over-

Over-Lord, and that personally, others by themselves, and in case of Minority, *or necessary absence by a* Proxie, *others pay considerable Customs and Curriages, others have them converted at low Rates, some Vassals double all both Feu-duty (whether Victual, Money, or both) and Customs, I mean the* ipsa corpora *at the Entry of the Heir, others but the Conversion, in these words:* Et duplicando dictam feudefirmam pecuniariam primo anno introitus cujuslibet Hæredis ad predictas Terras. *And in the last place, I have seen only such a small Sum modified by the first Feu, (or by favour afterwards obtained from Soveraignity* (the Fountain of Favours) *in lieu and place of all Duplication; So that to conclude this Point, Men should make a safe Feu in the begining, and as reasonable an Bargain as can be.*

As for other Feus, bearing Oasting, Hunting, Wapon-shawing, & appearing with their Superiors in the Kings Wars, *and other honorable Occasions I leave those to them that have them, but have seen many of them, and albeit Vassals ly under these Obligations, yet Superiors are tender of them in the Exacting, and for Kings they never exact them, but when the Kingdom and Government are concerned, and then all the Subjects owe Alledgiance and Obedience as Authority calls for it.*

I see an Infeftment holden of a Subject for payment of 4 lib Scots, *at* Whitsunday *yearly,* nomine, albæ firmæ, una cum servitio forensico; *And a Question arising amongst those of the most eminent Lawers in the House, what this of* servitium forensicum *could import, there being a certain Duty, (and a Blensh-duty too) antecedent, it was concluded in end that because of the old League betwixt* Scotland *and* France, *in which a mutual Assistance and Levy was agreed to, and was to be given as matters required, therefore this Gentleman Superior took the Vassal obliged (should himself be commanded by the King to go or send abroad) to go with his Superior, and what ever was* Service (*not within the Kingdom*) *was* forensicum, *and could not import* Ward.

The last thing I give you to cast your Eyes *upon as to Feus, (and what may be agreed upon betwixt* Parties *in a* Reddendo) *There were two Brethren of the first and second Marriage, and as such seldom agree and skerce by Mediators, so thir two were in Law concerned, and in fine, the* Friends *proposed, that the Son of the second Marriage should have all provided to him by his Mothers Contract (being a reasonable Barony) but to hold the same of the Brother of the first Marriage (a Nobleman) in* Feu, *for payment of a* 100 Merks *yearly, at* W, *and* M. *and doubling at the Entry, but the Brother of the second* Marriage *his friends affirmed that was perrillous, in case a Liferent-Escheat or Nonentries (after Declarator) fell, whereupon another Overture was proposed to guard against those two Inconveniencies:* viz. *That the elder Brother as Superior, and his Heirs, should be obliged to enter* gratis, *and if a Liferent-Escheat, or Nonentry fell out, to dispone* gratis, *but this was argued to be an uncertain Security, being but a personal Obligement, which could only affect an universal Successor, but not a Singular, who might come in by Apprysing or Adjudication and Expirations of their Legals, and upon this they split; But after some time It was proposed towards an Accomodation betwixt such near Retions, that the Hazard might be guarded against even in the two Cases adduced, and wherein the Hazard and* Fear *stood, and that was by inserting in the* Reddendo, *not only the* Feu-duty *and Duplication at the Entry,*

as agreed to, but alſo 10 Merks *for the Liferent-Eſcheat, if it fell by a Denunciation at an extraneous perſons inſtance, and if at the Superiors for payment of* 20 Merks *attour the Debt in the Horning due to the Superior himſelf, with* 6 *ſh.* 8 *d. to the Superior for the Nonentry yearly, whether before or after* Declarator, *and that attour the* Feu-duty *itſelf,* (*the true extent, whether old or new in* Feus) *and that* in duriorem ſortem & ſecuritatem, *the Liferent-Eſcheat and Nonentry* toties quoties contigeret, *ſhould* per verba de præſenti *be expreſly taxed; And in that caſe I urged that if the* Right *of Superiority ſhould go* per mille manus, (*even by Appryſing or Adjudication, or voluntar* Right) *there was no hazard to the* Vaſſal, *and to this all* Parties *agreed, but being a Novelty, and ſuch as I never ſee formerly, I would not rely upon my own Propoſition, or their Aſſent until the* Gentleman *adviſed with my Lord* Dirletoun, *who after ſome days Conſideration approved thereof in the terms propoſed, but adviſed it might be confirmed by the King, and ratified in* Parliament, *and ſo the* Parties *ended in theſe terms, and was confirmed, and* Ratified *accordingly, and the Vaſſal ſome years thereafter was in ſuch intire* Friendſhip *with his elder Brother, that he acquired the* Right *of Superiority from him holden of the Crown. and thereupon infeft, and ſo put the matter beyond Queſtion, as well as hazard.*

At other times when Men are upon an Bargain, for Sale of Lands, &c. *irredeemably and have not their Writs by them,* (*ſo as to make a preſent Cloſure*) *the* Remedy *fallen upon, is to enter in a Minute* (*which method albeit againſt it in my opinion being an ſeed of Plea, yet ſeing it is ordinary*) *I have ſet down ſuch a Draught of a Minut as* I *judge fair aud juſt in ſuch caſes, not but the Conditions therein in ſome caſes may alter, and as* Parties *agree.*

Minut *of Contract*[*anent the Sale of* Lands *irredeemably*] *betwixt A.* B. *of* — *and* C. D. *of* — *with a reſpect to the Right of the Parſonage and Viccarage Teinds, whether heretable or temporary.*

AT — the — day of — — years, it is Minuted, Agreed and Ended betwixt A. B. of — and C. D. of — on the one and other parts, in manner following, that is to ſay, the ſaid C. D. for the onerous Cauſes after-ſpecified, by thir preſents binds and obliges him his Heirs and Succeſſors to obtain the full heretable and irredeemable Right of all and ſundry the Lands of — (*here inſert the Lands and others agreed for, as they are deſigned in the Infeftments, and then ſay*) lying within the Parochin of — and Sheriffdom of — legally and validly eſtabliſhed in his perſon, (if not already done) and if done [or being ſua eſtabliſhed) to ſell, Annalzie and diſpone the ſame in favours of the ſaid A. B. his Heirs and Aſſigneys heretably and irredeemably, with all Right, he has or can pretend thereto, and to infeft and ſeaſe them therein, by double Infeftments and manner of holdings *a me* or *de me* in the ſaid A. B. his option and in manner after-expreſt, and to make, grant, ſubſcribe and deliver to the ſaid A. B. and his foreſaids ſufficient Diſpoſitions, containing procuratories of Reſignation, Charters containing Precepts of Seaſin and other Securities requiſit, and neceſſar thereanent, with abſolute Warrandice againſt real Incumbrances and Grounds of Eviction whatſoever bygone, preſent and to come, and likeways to purge the ſaids Lands and others foreſaids of all ſuch real Incumbrances that ſhall be detected from Regiſters, and purchaſe and obtain to the ſaid A. B. and his foreſaids, either ſufficient Renunciations and Diſcharges of any ſuch Incumbrances, or thoſe in the Right and Title thereof, their Conſents to the ſaid Bargain and Diſpoſition to be extended thereupon, & to aſſign them to the Writs & Evidents of the ſaids Lands & others foreſaids in ample Form & to deliver the ſame to them upon Inventar, and to make appear at the Sight, of Lawyers, that the progreſs thereof is full and compleat, and if any thing defective therein, to make the ſame up at the Sight and by the Advice of the ſaids Lawyers, and to aſſign them to the Mails and Duties of the ſaids Lands and others foreſaids,

of

of the Cropt and year --- years, and haill Terms thereof, (both Victual and Silver, Cuſtoms and Services) 6 and likeways to the Tack and Rights of the Teinds of the ſaids Lands and prorogations thereof, and Benefit of the ſame, both as to the Parſonage and Viccarage, and Right of Annuity of the ſaids Teinds, alſo of the ſaid Cropt and of both Lands, Teinds and Annuity thereafter, in all time coming; and to make appear to the ſaid A. B. and his foreſaids and their Lawyers that the Right of the ſaids Teinds is valid and are to continue unexpired, and without any Defect and Nullity therein, for the ſpace of --- liferents and --- nineteen years after the ſaid C, D. his own deceaſe (7) and that the ſaids Teinds pay no more yearly to the Titular, Miniſters or any other perſon, but --- Bolls Bear (*here inſert what elſe payable*) and with the Burden of the payment whereof, the ſaid Cropt and year, and thereafter in time coming, the Right of the ſaids Teinds is to be granted, and the ſaid C. D. and his foreſaids obliged to warrand againſt all future Augmentations (attour the preſent Duty and what payed to the Titular and Miniſter as ſaid is) and in caſe by any ſupervenient Law any Augmentations be granted upon the ſaids Teinds, or they otherways affected or evicted, the ſaid C. D. and his foreſaids are to ſecure againſt the ſame, or to repeat proportionally, and effeirand and correſpondent to anie ſuch Augmention or Eviction (the ſaid A. B. having payed and being to pay alſemuch for the Chalder of free Teind as for the Stock (and in caſe (after production of the Right of the ſaids Teinds) any Defect at preſent may be found therein (and which in fine may be a ground of Eviction) the ſaid C. *D.* and his foreſaids are obliged inſtantly to make up the ſaid Defect, or defalk proportionally of the price; for the whilks Cauſes the ſaid A. *B.* binds and obliges him and his foreſaids to content and pay to the ſaid C, D, his Heirs and Aſſigneys the Sum of ---- *ſcots* Mony, (and which with the Sum of --- Mony foreſaid now advanced, compleats and makes up in the haill the Sum of --- Mony above-written, as the price agreed upon for the heretable and irredeemable Right of the ſaids Lands and others to be diſponed, and likeways for the Right of the ſaids Teinds, at the rate of --- for each Chalder of Stock & free Teind, & that betwixt the date hereof, and the --- day next to come, but longer delay, with Annualrent from the Term of -- laſt by paſt, (being the Term of the ſaid A, B, his Entry to the ſaids Lands and Teinds) to the ſaid day of payment and thereafter in time coming during the not payment, & the ſaid C. D, obliges him and his foreſaids to warrand and relieve the ſaid A, B, and his foreſaids of all Ceſſes and other publick Burdens preceeding the ſaid Term, and the ſaid A B. and his foreſaids are to relieve them of the like Burdens finceſine and in time coming, and the ſaid C, *D.* obliges him to move his Lady, ſubſcribe *conſenter* to the Right, and ratify judicially, and both Parties oblige them and their foreſaids to perform the Premiſſes to one another betwixt the date hereof, and the --- day of --- next to come, and the Party Failzier to pay to the Party Obſerver or willing to obſerve the ſame, the Sum of --- Monie foreſaid, in name of liquidat Penaltie in caſe of Failzie, and that by and attour performance, and together therewith Clauſe of Regiſtration follows.

Nota, Some in Minuts not only oblige to diſpone, but alſo per verba de preſenti *do it with procuratory of Reſignation and Precept of Seaſin for fear of intermediat Impediments betwixt the Minut and* Extruſion,

Nota, *When the Diſponer has an heretable Right to the Teinds, it goes with the* Land *in the Diſpoſitive Clauſe, Reſignation and Precept of Seaſin and Aſſignation to the Writs, but all betwixt the figures of* 6 *and* 7 *left out in that caſe,*

Nota, *ye will find Horning in the former Minut,* page 432

The next thing reſolved to be fallen upon, is a Contract betwixt Neighbours in relation to their contraverted Marches (by ſome termed Indentures of Marches, *and juſtly ſo called) and a final* Agreement *and Concluſion thereanent for the future, (both as to Property and Commonty) and may be a Rule to all in ſuch caſes,* mutatis mutandis,

AT --- the --- day of --- years, it is contracted, indented, finally agreed and Ended betwixt A, B, of --- and C. D. of --- on the one and o-

other parts in manner following, *that is to say, foresuamekle* as the saids Parties and their Predecessors being neighbouring Heretors, and a considerable part of their Estates lying contiguous, did for many years continue in a firm Pace, Love and Amitie, untill of late that some Contraversie and Debates (in point of Marches) have arisen amongst them (and more by the Instigation of some of their Tennents than their own Inclinations) and should they go to Law upon that head as the Expense would prove great, so the Advantage that either Party could *in fine* propose to him or Successors could not be of great value besides the bad effects of Animosities betwixt Neighbours, even in their own time, and the evil presages of a visible Seed of Plea to their Posterity: and considering that Difference in Marches have exposed Men to great Hazard (yea the Effusion of blood and irradication of Fortunes and Estates beyond that they can pretend to) and the saids Parties being willing and resolved to obviat all Inconveniencies of that nature, and to live in a firm Peace and Unity together, and to transmit the like blessing to their Posterity; Therefore (and notwithstanding of what ever either of the saids Parties their just Pretences might be either in point of Right, or by immemorial Possession) they by thir presents fully, freely, franklie and peaceably agree, accord and resolve all their Debates and Contraversies (relating to their Marches) in the Terms following, *viz*, in the first, it is agreed and condescended that the said *A.* B, his March on the south of his Lands of --- shall begin at --- and extend it self to --: and that the March of his Lands of --- shall begin at ——— and extend it self to --- and that in Property, to remain with him his Heirs and Successors (as such for ever in all time coming: And in the next place, that the said C. D. his March of his Lands of --- shall begin at the East from --- and extend it self to ---, and that in Property, to remain with him his Heirs and Successors (as such) for ever in all time coming; and for the better clearing of the saids Marches, (and that there may be no Mistakes for the future) both the saids Parties bind and oblige them and their foresaids, betwixt and the --- day of --- next, to have their own March stones in readiness, consisting of an Ell and an half in height, and --- in Square, with the Innitial Letters of their names in the Top of their own March stones for distinction, and the next day thereafter to compear on the Ground, where the respective Marches begin, and terminat betwixt the hours of --- in the Forenoon, accompanied and attended with all their Men tennants and Servants, and then and there in their presence fix and set the saids March-stones in their respective places, where the saids Marches are appointed to begin, and terminat in manner foresaid, and as to the other Marches of the saids Parties their Lands adjacent, it is agreed and condescended that the same continue as formerly by the old Dykes, and because the said Dykes are failing, and may in a short time so faill, as they may become iuvisible, (and no vestige thereof remain) which may occasion new Debates and Contraversies, (and albeit not in this age, yet in after times) therefore both Parties oblige them and their foresaids to cause their Tennants (jointly) cast Feal at the Root of the saids old Dykes, and build Dykes to the height of six Quarters) on the old Fund, and that betwixt and the said day, and how oft either the saids March-stones fall down or the saids Dykes decay, to set up the saids Stones in their proper places, and rebuild the saids Dykes on the same Found: *And in the third place*, as to the Commonty in Debate betwixt the saids Parties, it is agreed and condescended that the Hills and Muirs of ——— shall be possest by the saids Parties and their foresaids, and by the Tennants and Possessors of their respective Lands and Estates, as Commonty in all time coming without any Claim or pretext to be made by either of them, or their foresaids thereto as Property for the future, and both Parties bind and oblige them their Heirs and Successors to discharge one another of all Letters of Lawburrows and Contraventions *hinc inde*, and to fullfill the Premisses to one another, betwixt and the —— day of —— next, but any longer delay; and the said Party Failzier to pay to the Party Observer or willing to observe the same, the Sum of--- *Scots* Monie in name of liquidat Penaltie in case of Failzie, and that by and attour performance and together therewith to insert a Clause of Registration, according to the Stile of Contracts as formerly prescribed *usque ad finem.*

Nota,

Nota, *This may ſerve for a Stile of all Contracts of this nature, with ſuch Alterations as Parties may agree upon and wherein the Writer may be eaſily determined.*

An Contract of the Coal of Abercrombie *and ſome Ground betwixt the Laird of* Abercrombie *and* Thomas Hunter, William Balfour *and* James Crombie *perfected at* Murthlie, *the* Tenth *of* October 1601, *and in a good Stile albeit ancient.*

AT *M.* the 10th day of *October* the year of God 1601 years, it is appointed betwixt the right Honourable T. *A*, of that ilk, for him his Heirs alſewell of Tailzie and Proviſion as of Line, his Succeſſors, Executors and Aſſigneys with expreſs Conſent and Aſſent of *I*, *B*, his Spouſe, and taking full Burden on him and his foreſaids for his ſaid Spouſe for fullfilling her part of this Contract on the one part, T. H. and W, B. Burgeſs of *Edinburgh* and *I.* C. Burgeſs of *Perth* on the other part, in manner following, that is to ſay, *Foreſuameikle* as for the Diſpoſition in Feu Farm Infeftments, and other Clauſes after-ſpecified, the ſaid T. A, of that ilk has at the making hereof receieved really, and with effect in numerat Mony from the ſaids T, H. W, B. and *I.* C. the Sum of --- Gold and Silver good and uſual Monie of this Realm, whereof the ſaid T. A. of that ilk holds him well content ſatisfied and payed, and (renuncing the Exception of not numerat Mony and all other Exceptions,) for him and his foreſaids exoners quite claims and diſcharges the ſaids T. H. W. B, and *I.* C. and ilk one of them their Heirs, Executors and Aſſigneys for now and ever, therefore and for ſundrie other Profits, Pleaſures, Gratitudes and good Deeds done to the ſaid T. A. of that ilk, and for the Commoditie under-written to be done and performed to him [as after follows] by the ſaids T. H. W. B. and I. C. and their foreſaids as is ſet down in this preſent Contract, the ſaid T, *A*, of that ilk has bound and obliged, and by the Tenor hereof binds and obliges him and his foreſaids by his and their Charter and Infeftments of Feu Farm made for the Sums of Mony *titulo oneroſo* with Conſent of his ſaid Spouſe who ſhall conſent, and by thir preſenrs conſents thereto with the ſpecial Clauſe of Warrandice under-written, and with all other Clauſes of Warrandice in ſuch ſure large and ample Form as the ſaid T, H, W, *B*, and I, C. their Heirs and Aſſigneys, or any of them ſhall deviſe with Precept of Seaſin thereuntill and Seaſin following thereupon, after the date of thir preſents and before the Feaſt of *Martinmas* next to come in this inſtant year of God 1601 years, dulie, validlie and effectuallie to infeft and ſeaſe the ſaid T. *H*. W. B *I.* C. equallie and proportionallie, [ilk one of them for an juſt third] their *H*eirs and Aſſigneys whatſomever heretablie and irredeemablie [but any Reverſion, Redemption or Regreſs whatſomever] in all and haill three Aikers of *L*and with their Pertinents of the Muir of the Lands of *A*. next adjacent to the Sched of *L*and called the M lyand in the Barony of A. within the Sheriffdom of F. and in all and ſundrie the Coals and Coal-heughs of the haill Lands and Barony of A lyand within the Sheriffdom foreſaid, where ever the ſaids Coals and Coal-heughs lyes or are win, gotten, cutten or hewen, or may be win, gotten, cutten or hewn under the Earth or above the Earth, in whatſomever part and parts place or places of the ſaids Lands and Baronie, or within the Bounds, Meiths and Marches thereof, and with the Servitudes, Commodities, Priviledges and Liberties under-written, for making, winning, caſting, hewing, ſelling, diſponing, receiving, carrieing and tranſporting of the ſaids Coals, Coal-heughs by Sea and Land, drying of the ſaids Coals or Coal-heughs, haling, carrieing, receiving, collecting and conveying of Water therefrae, and for making, caſting, Winning, interlining and upholding of Sinks, Syers, Gutters, *E*yes, Levands, Pots, Air-holls, Stairs and Paſſages in whatſomever part and parts, place and places of the ſaid Lands and Barony, alswell the arrable Land and Corn-field Lands thereof as others, for making, winning, hewing, caſting, bearing, drying, carrying and conveying of the ſaids Coals Coal-heughs --- Sinks, Syers, Guttars, Eyes, Levands, Pots, Aire-holls, Stairs,

Paſſages, and Waters as the ſaid T. *H.* W. B. and *I.* C. and their foreſaids ſhall think moſt commodious and expedient to be holden, and to be held, all and haill the ſaids three Aikers of Land and all and haill the ſaids Coals and Coalheughs with their Pertinents, with the ſaids Servitudes, Liberties and Priviledges under-written. of the ſaid T. A. of that ilk and his Heirs-male in Feu Farm and *Heretage* for ever, for the yearly payment to them of the Sum of ten pounds good and uſual Mony of this Realm at two uſual Terms in the year, *Whitſunday* and *Martinmaſs* in Winter by equal portions, in name of Feu Farm allanerly, with ſpecial Clauſe of Warrandice to be contained in the ſaid Infeftment of Feu Farm, to warrand, acquite and defend, likeas the ſaid T. A. of that ilk by the tenor hereof, binds and obliges him and his foreſaids (now as if the ſaid Infeftments were paſt and then as now) to warrand, aquite and defend to the ſaid T. *H.* W. B. and I. C. equally and proportionally amongſt them three, ilk one of them for their own proper juſt third, their Heirs and Aſſigneys whatſomever heretably and irredeemablie, but any Reverſion, Redemption or Regreſs whatſomever, all and haill the ſaids three Aikers of Lands with their Pertinents, and all and haill the ſaids Coals Coal-heughs and others foreſaid Servitudes, Liberties and Priviledges above-ſpecified, with their Pertinents free, ſafe and ſure from all Wards, Reliefs, Nonentries, Ladies Terces, Conjunct-fees, Liferents, Annualrents, Eſcheats, Forefaultures, Recognitions, Frank-tenements, Baſtardies, former Infeftments, Alienations, of the haill or moſt part, Reſignations, Renunciations, States and Seaſins, privat and publick Wodſets for Maills, Tacks, long and ſhort Exactions, Impoſitions, Appryſings, Proviſions, Diſclamations, Reductions, Inhibitions, Interdictons, and from all other Diſpoſitions, Grounds of Eviction, Burdens, Clags, Claims, Dangers, Perils and Inconveniencies whatſomever, for whatſomever Cauſe, Fact Deed or Occaſion bygone, preſent or to come, whereby the ſaids Aikers, Coals Coalheughs and others foreſaids, Servitudes, Liberties and Priviledges above-mentioned with their pertinents, may be evicted in haill or in part from the ſaid T. H. W. B. and I. C. and their foreſaids or anie of them or the yearlie uſe or Commiditie thereof diminiſhed or ſecluded from them or any of them or the ſame in anie ways burdened, charged, hindred, ſtayed or ſtopt, or whereby they or anie of them, their Mentennens or Servants, Coal-hewers, Grieves or others, or the Buyers, Carriers or Tranſporters of the ſaids Coals, their Horſe, Cairts, Slades, Waggons, Goods or Gear may be debarred, hindred, ſtopt, charged, poinded, troubled, damnified or moleſted either from the lawful apprehending of the peaceable poſſeſſion of the ſaids Coals, Coalheughs and others foreſaids, and of the ſaids Servitudes, Liberties and priviledges aforeſaid, Uſes and Commodities thereof, or in the bruiking and poſſeſſing of the ſame, and with all other Clauſes of Warrandice in ſick ſure and ample Form as the ſaids T. *H. W. B.* and I. C. and their foreſaids, and ilk one of them ſhal *diviſe, with full Power,* Liberty and Licence to them and their foreſaids, and ilk an of them, by themſelves, their Men-tennents, Servants, Hewers, Coal-hewers, Coal-grieves, Water-drawers, Coal-bearers, and others whatſomever; by their Direction, at their Option and Pleaſure as they ſhall think moſt expedient; in, upon, and through the ſaids Lands and Barony, and whatſomever Part and Parts, Place and Places within the ſame, and within the Bounds, Meiths and Marches thereof; to Cut, Hew, Bear, Carry and Win the ſaids Coals, and to Sell and Diſpone thereupon, Convoy, Carry and Tranſport the ſame, to whatſomever part they pleaſe; by Burdens Horſe, Loads, Sleds, Carts and Wanes. And to that effect, (and for the better and more commodious Cutting, Hewing, Bearing, Winning, Carrying and Tranſporting of the ſaids Coals) to make, caſt and uphold Hows, Pots, Sinks, Syers, Gutters, Eyes, Levands, Ear-holes, Stairs, Paſſages, Water-draughts, Dams and Receptacles of Water, aud by whatſomever Force and Engynes they pleaſe, to dry the ſaids Coals and Coal-heughs, and to draw and hale the Water for drying thereof; and to Dam, Collect and Convey the ſame (after the drawing thereof) as they ſhall think expedient; and by whatſomever Hard-ſtone, Faill, Divot, and other Materials of the ſaids Lands and Barony, to make, Repare, Bigg, maintain and uphold the ſaids Hows, Pots, Sinks, Syers, Gutters, Eyes, Levands, Air-holes, Stairs, Paſſages, Water-draughts, Dams and Receptacles of Water and Engynes foreſaids; and with all Servitudes, *Itineris actis & via,* by Foot, Horſe, Sleds, Cart, Wain, and otherways whatſomever; to and

frae

frae the ſaids Heughs, Pots and Sinks, be, upon, and through the ſaids Lands and Barony, for Convoying and Tranſporting of the ſaids Coals, to whatſomever parts by Sea or Land, and with whatſomever other Servitudes, Liberties and Priviledges that may ſerve to the effect foreſaid, or that has been granted in any time heretofore; to whatſomever perſon or perſons that had, or Acquired any Right of Coals, Coal-heughs, in moſt ample Form. And if it ſhall happen the ſaid *T. H. W. D.* and *I. C.* and their foreſaids, at any time or times hereafter, to make Alienation, Diſpoſition or Reſignation of their part of the ſaids Acres, Coals, Coal-heughs, and others foreſaids, with the ſaids Servitudes, Liberties and Priviledges in favours of any perſon or perſons (of no higher Degree than themſelves) in that caſe, the ſaid *T. A.* of that Ilk, Binds and Obliges him and his foreſaids, (for payment to them of an half Ounce weight of Gold) to Confirm the ſaid Alienation and Diſpoſition, and to receive the ſaid Reſignation, and to admit and receive In immediat Tennents to them, the ſaids Perſon or Perſons, (in whoſe favours the ſaid Alienation, Diſpoſition or Reſignation happens to be made as ſaid is) and to give them due Infeftments, Rights and Securities thereupon, in manner contained in this preſent Contract. *And ſicklike*, as it ſhall happen the ſaid *T. H. W. B.* and *I. C.* and their foreſaids, or any of them, or any others ſucceeding to them; or any of them in the ſaids Acres, Coals, Coal-heughs, Servitudes, Liberties, Priviledges and others foreſaids, (in haill or be Portions) to deceaſe in Fee thereof, or of any part of the ſame (as oft as the ſame occurs *ſucceſſive*) the ſaid *T. A.* of that Ilk, Binds and Obliges him and his foreſaids, *toties, quoties*; as oft to Receive, Enter and Seaſe their Heir or Heirs appearand, Heir or Heirs of the ſaids Decedents, in the ſaids Acres, Coals, Coal-heughs, Servitudes, Liberties, Priviledges, and others foreſaids *pro rata*; be Precepts of *clare conſtat*, or otherways, as ſhall be thought moſt Expedient for their Security. *Likeas*, alſo the ſaid *T. A.* of that Ilk, Binds and Obliges him and his foreſaids, as it happens them or any of their foreſaids *ſucceſſive*, to deceaſe; That their Heir or Heirs, and appearand Heir or Heirs *ſucceſſive*, ſhall not ly forth of the ſaids Lands and Barony, and others foreſaids, nor Superiority thereof, to hold the ſame in Non-entries; but that the ſame Heir or Heirs, and appearand Heir or Heirs, ſhall immediatly (after their deceaſe *ſucceſſive*) enter thereto, in due Form as effeirs: and in caſe of Failzie, in lying furth of the ſaids Lands and Baronie, Acres, Coals, Coal-heughs, and others foreſaids, or Superioritie thereof, or in not receiving or entering of the Heir or Heirs, appearand Heir or Heirs of the ſaids Decedents *reſpective* as ſaid is, that the ſame ſhall be no cauſe of Non-entrie: And be vertue thereof, neither the ſaid *T. A.* of that Ilk, nor his foreſaids, nor no other ſhall claim no Right nor Title to the ſaids three Acres of Land, Coals, Coal-heughs, Servitudes, Liberties and Priviledges foreſaids, in haill or in part; nor to the Profits, Duties and Commodities of the ſame, during the ſaid Non-entries; but Renounces the ſame, and all Action, Inſtance and Claim thereof, in favours of the ſaid *T. H. W. D.* and *J. C.* their ſaids Heirs and Aſſigneys proportionally, *pro rata*, according to their Parts and Portions aforeſaid. *Likeas*, alſo the ſaid *T. A.* of that Ilk, be the Tenor hereof, (for him and his foreſaids) Renounces *ſimpliciter*, all Actions of Reduction that may be competent in any time coming, by whatſoever Law, Act, Statute, Condition, Proviſion, or otherways, againſt the ſaid *T. H. W. B.* and *J. C.* and their foreſaids, or any of them anent the Annulling of the ſaid Inteftment of Feu, Farm, *propter non ſolutam canonem*, in caſe of non-payment of the ſaid Feu, Farm-duty, whether the ſame happen hereafter to be payed or not payed; ſo that the ſaid *T. A.* of that Ilk, and his foreſaids, for payment of the ſaid Feu, Farm-duty, ſo far as happens to be Reſting, Owing thereof, ſhall only cauſe Poynd and Deſtrinzie the moveable Goods, upon the ſaids Acres and Coal-heughs, for the ſaid Feu, Farm-duty, in caſe of not payment thereof, without quarrelling, or calling in Queſtion of the ſaid Infeftment of Feu-farm, for not payment of the ſaid Feu, Farm-duty therein contained. *And ſicklike*, the ſaid *T. A.* of that Ilk, be the Tenor hereof, (for him and his foreſaids) Makes and Conſtitutes the ſaid *T. H. W. B.* and *J. C.* and their ſaids Heirs and Aſſigneys, the ſaid *T. A.* and his foreſaids, heretable Baillies of the ſaids three Acres of Land, Coals, Coal-heughs, Servitudes, Liberties, Priviledges, and others foreſaids, with their Pertinents: and gives, Grants and Diſpones to them, the heretable Office and Juriſdiction of Bailliarie thereof, and upon the Ten-

nents, Colliers, Quarriers, Grieves, Workmen and others, *H*aunting and Reſorting to and frae the ſame: and to remove, Out-put and In-put them in Priſon, or otherways as they ſhall think moſt expedient; and to Uplift and Raiſe to their own behoves, the Iſchays and Eſcheats of the ſaid Office and Court thereof, in moſt ample Form of Bailliarie. And the ſaid *T. A.* of that Ilk, Binds and Obliges him and his foreſaids, to Enter duely, valiably and effectually, the ſaids T. *H. W. B.* and *J. C.* and their foreſaids, their Men-tennents, Servants, Colliers, Quarriers, Grieves, and others, Workmen to the ſaids Acres, Coals, Coal-heughs, Servitudes, Liberties and Priviledges, and to the lawful, real and actual Poſſeſſion thereof; and to Maintain and Defend them thereintill. *And ſicklike*, the ſaid T. A. of that Ilk, Binds and Obliges him and his foreſaids, to cauſe whatſoever Perſon or Perſons, having or pretending, or that may have or pretend any Right, Title or Intereſt to the ſaids Lands, Acres, Coals, Coal-heughs, Servitudes, Liberties, Priviledges and others foreſaids, or that may quarrel or Impugn the ſame, to give their Conſents to this preſent Contract, and Infeftment following thereupon, Ratifie and Approve the ſame, conform to the Tenors thereof in all Points; in ſuch ſure, large and ample Form as ſaid is, T. H. W. B. and *J. C.* and their foreſaids, and ilk an of them ſhal deviſe. *Likeas* alſo, the ſaid T. *A.* of that Ilk, be the Tenor hereof, Binds and Obliges him and his foreſaids, to Reform, Reiterat and Renew the haill Premiſſes, and all other Liberties neceſſar, commodious or profitable, for the Winning, Selling and Tranſporting of the ſaids Coals; and to make all further Securities thereanent, and anent the Premiſſes to the ſaid *T. H. W. B.* and *J. C.* and their foreſaids, in ſuch ſure, large and ample Form as they ſhall deviſe, ay and while they find themſelves to have ſufficient Security thereanent, and to be ſicker and ſure thereof. *For the which cauſes*, alſo (after the winning of the ſaids Coals, and after the ſame happens to be laid in the Heugh-hill where the ſame are Win) the fourth Load thereof great and ſmall, ſhal be reſerved to the ſaid T, A, of that Ilk, and his foreſaids, to pertain to them, and to be freely received and Intrometted with by them, their Men-ſervants and Factors, immediatly after the ſame are laid on the ſaid Heugh-hill; with power to them, to ſell and diſpoſe thereupon at their pleaſure *Likeas*, (after the winning of the ſaids Coals, and laying thereof on the ſaid Heugh-hill, and Reſervation and Separation of the ſaid T, A, and his foreſaids fourth part, or fourth Load thereof to their behove) It ſhall be leaſume to the ſaid T. H. W. B. and *J. C.* and their foreſaids, their Men-ſervants, Colliers, Grieves, and others (be their Direction) to receive and Intromet with the hail other three Quarters and Portions, and haill Reſt and Remanent of the ſaids Coals, Sell the ſame, uſe and Diſpone thereupon at their pleaſure: And in caſe the ſaids Coals be ſold overhead; in that caſe the ſaid T. A. and his foreſaids, ſhall have the fourth part of the Prices that beis gotten for the ſame, according to the knowledge of the ſaid T. *H.* W. B. *J. C.* and their foreſaids; according to the Truth and Verity of their Compts that beis made to them by their Grieves and Servants, to be deput and appointed by them, to that Effect; upon their Oath, Conſcience and Declaration of the ſaids Grieves and Servants, which Declaration ſhall ſtand, and be ſufficient to the ſaid T. A. of that Ilk, and his foreſaids. *Likeas*, he (for him and his foreſaids) is contented to accept, and by thir Preſents, accepts of the ſame Declaration and Compt *toties quoties*, as often as the ſame happens to be made as a perfect Declaration and Compt, without any further Proceſs or Declarator of the Law, to be fitted and craved thereanent, Renouncing by thir Preſents, all others, Compts to be made and given in thereupon. And further, it is provided by this preſent Contract, that forſameikle of the preſent manured, arrable and Corn-field ground of the ſaids Lands and Barony, as beis taken frae the Tennents and Occupiers thereof, and whereof they happen to want the uſe, and which happens to be uſed and applyed to the labouring and winning of the ſaids Coals, or the caſting and winning of Pots, or repair of Horſes for buying and carrying of the ſaids Coals; the ſaid T. H. W. B. and J. C. and their foreſaids, to be holden and Aſtricted; and hereby Oblige them to pay to the ſaids Tennents and Occupyers, the Mails and Farms proportionally *pro rata*, of the ſame; ſo meikle of the ſaid manured, arrable and Corn-field ground, as beis taken from them as ſaid is, and beis uſed and applyed to the labouring and winning of the ſaids Coals, or the caſting and winning of the ſaids Pots, or repair of Horſes for buying and carrying of the ſaid Coal in manner foreſaid,

foreſaid, as the ſaids Tennents and Occupyers ſhould juſtly pay for the ſame *pro rata*; and that ſo long as they ſhall happen to be debarred from the uſe and manuring thereof, by the uſing and applying of the ſame, to the labouring and winning of the ſaid Coal, or the caſting and winning of the ſaids Pots, or repairing of the ſaid Horſe, to the effect foreſaid as ſaid is, and no longer. And hereto both the ſaids Parties faithfully Bind and oblige them and their foreſaids, *binc inde*, to others *reſpective* as follows. And for the more ſure obſerving of the Premiſſes, are content, and conſent thir Preſents be Acted and Regiſtrat in the Books of Council and Seſſion, to have the ſtrength of an Act and Decreet of the Lords thereof, with Executorials of Poynding, Horning and Warding ilk ane but prejudice of the other, to paſs thereupon in Form as effeirs; and the Horning to be on a ſimple Charge of ten days allanerly: And if the Execution proceed ſo far, that it paſs to Compryſing; both the ſaids Parties for them and their foreſaids, are content and conſent *binc inde*, that for ilk hundred Merks (where Compryſing happens to be) there be Appryſing for ten Merks for ilk hundred Merks, and ſua furth *pro rata*, *binc inde* of whatſoever Lands, Annualrents and Heretages pertaining, or that ſhall happen to pertain to them or their foreſaids *binc inde*; notwithſtanding of whatſoever Laws, Acts, Conſtitutions, Cuſtom or Conſuetude that are, or ſhall happen to be in the contrare: And the ſaids Parties makes, nominats and conſtitutes their well Beloveds---, and ilk an of them, conjunctly and ſeverally, their very lawful, undoubted and irrevocable Procurators, to compear before the ſaids Lords whatſoever, days and places convenient, and conſent to the Regiſtration hereof, *&c.* Firm and ſtable holding, and for to hold, *&c. In uberiori conſtitutionis forma*; in witneſs of the which, (this preſent Contract being written by *A. R.* Notar in *Perth*) both the ſaids Parties have Subſcribed the ſame with their hands as follows, year day and place foreſaid: And notwithſtanding any Clauſe contained in this preſent Contract and Infeftment following thereupon, the ſaid T, *H.* W, B. J, C. and their foreſaids, ſhall have no farder Servitude, Liberty nor Priviledge for caſting and winning of Stones and Faill neceſſar for the ſaids Coals, Coal-heughs, Acres, and Houſes to be bigged thereon, but only upon the preſent Moors of *A.* Neither yet ſhall it be leiſume to the ſaid T, *H.* W, B. and *J*, C. nor none of them nor their foreſaids, to make Alienation, Diſpoſition, Reſignation; nor ſet of the ſaid three Acres of Land with the Pertinents, to whatſoever perſon or perſons of whatſoever Eſtate or Degree they be of; but to ſuch perſons as has Right of the ſaids Coals and Coal-heughs for the time, and winning thereof, and none others; ſo that the ſame three Acres of Land with the Pertinents, ſhall not be Imployed nor Converted to no other uſe, but to ſerve the ſaids Coals and Coal-heughs, winning and labouring thereof: Neither ſhall the ſaid T. A. nor his foreſaids, be ſubject or burdened to receive, accept or confirm any other Alienation, Diſpoſition, Reſignation; nor ſet of the ſaids three Acres of Land, with the Pertinents that beis made to any perſon or perſons, (except as ſaid is) and to the uſe and ſervitude of the ſaids Coals and Coal-heughs allanerly. *Likeas*, the fourth Load of Coals, which is above reſerved to the ſaid T, A. and his foreſaids, ſhall be made free to them by the ſaid T, H. W, B. and *J*, C. and their foreſaids, of all Charges that beis made thereon, while the ſame be laid on the ſaid Heugh-hill where the ſaids Coals are win. And for fulfilling hereof, both the ſaids Parties, ſicklike Binds and Obliges them and their foreſaids, *binc inde* to others for their own parts, and conſents the ſame be Regiſtrat, and Executorials to be direct thereupon in manner above exprimat, before thir Witneſſes Mr. T, A, of C. R, A. brother to the ſaid T, A. and A, A, his Servitors, T, N. Nottar, and the ſaid A, R. alſo Nottar. *The Subſcriptions are omitted, but this Contract was Drawn by a perſon no doubt educat at the Lettron, and not without Advice of Lawyers, and has all the* vocabula Artis *of Coal.*

The half of this Contract, Acres and Coal, belonging afterwards to Mungo Mckaal, *Merchant Burges of* Edinburgh, *Grand-father* ex parte Matris *to Mr.* James Henryſon *of* Pittadro *Writer to the Signet, from whom I had both it and Charter after inſert, and accordingly Entered by the Laird of* Abercrombie, *Superior upon the ſaid* Thomas Hunters *Reſignation, I thought fit to ſet down the Charter of Feu-farm, both for the Stile and Latin: that of Coal being extraordinar, and not within every perſon or Writers comprehenſion.*

CHARTER of Feu-Farm by the Laird of Abercrombie, *to* Mungo M^cCaal *of the Half of Three Acres, Coals and Coal-Heughs of* Abercrombie, *upon* Thomas Hunters *Reſignation.*

OMnibus hanc Cartam, viſuris vel audituris, *Thomas Abercrombie* de eodem, Superior Acrarum, Carbonum, Carbonariorum Officii Ballivatus aliorumque ſubtus ſpecificatorum, *Salutem*, in Domino ſempiternam. *Noveritis* me dediſſe, conceſſiſſe, aſſedaſſe, arandaſſe, locaſſe, & ad feudefirmam ſeu emphitioſin, perpetuam hæreditarie & in perpetuum dimiſiſſe & hac preſenti carta mea confirmaſſe, nec non tenore preſentium dare concedere aſſedare arendare, locare, & ad feudefirmam ſeu emphitioſin perpetuam hæreditarie dimittere & hac preſenti carta mea confirmare, dilecto meo Quintegerno M^cCaal Mercatori Burgenſi Burgi de Edinburgh hæredibus ſuis & aſſignatis quibuſcunque, totam & integram juſtam æqualem dimidietatem totarum & integrarum trium acrarum cum ſuis pertinentiis Moræ meæ, terrarum mearum de Abercrombie contigue adjacentis illi parti terrarum vocanti dimuire Flatt jacenti in Baronia mea de Abercombie infra Vicecomitatum de Fife, nec non totam & integram juſtam æqualem dimidietatem univerſorum & ſingulorum carbonum & carbonariorum omnium Terrarum & Baroniæ meæ de Abercrombie jacentis infra Vicecomitatum prædictum ubicunque dicti carbones & carbonariæ jacent aut lucrantur habentur læduntur ſive amputantur vel lucrari haberi lædi ſive amputari poſſunt ſubtus Terra, ſive ſupra Terram, in quibuſcunque parte & partibus loco & locis dictarum Terrarum & Baroniæ, aut infra bondas metas & limites ejuſdem cum ſervitudinibus commoditatibus privilegiis & libertatibus ſubſcriptis pro rata ad componendum lucrandum fodiendum cedendum alienandum diſponendum recipiendum vehendum & tranſportandum dictos carbones & carbonarias, per Terram ſive equor arefaciendum, dictos carbones & carbonarias Hauriendum vehendum recipiendum colligendum & conducendum aquas ab eiſdem carbonibus & carbonariis ac ad componendum fodiendum lucrandum & ſuſtinendum lie ſinks ſivers guttars eyes, levands potts airholls gradus & paſſagia in quibuſcunque parte & partibus loco & locis dictarum terrarum & Baroniæ, ac ad fodiendum & lucrandum lapides ceſpites & Terram ad ædificandum domos Salinas aut ad quemlibet alium uſum neceſſarium ad dimidietatem dictarum carbonariarum pro rata ſpectantem in quibuſcunqne parte & partibus loco & locis dictarum terrarum & Baroniæ tam arrabilium & ſuper quibus ſegetes creſcunt quam aliarum Terrarum pro compoſitione, lucratione, læſione foſſione vectione arefactione, portatione & conductione dictorum carbonum carbonariorumque, lie ſinks, ſires, guttars, eyes, levals, potts, airholls, graduum paſſagiorum & aquarum ſicuti dicto Quintigerno M^cCaal ſuiſque antedictis magis expediens & commodius videbitur. *Unacum* Hæreditario Officio Juriſdictione & Privilegio Baillivatus dicto Quintigerno M^cCaal ſuiſque prædictis dictæ equalis dimidietatis prædictarum trium Acrarum Terrarum ac univerſorum Carbonum & Carbonariarum ſupra ſcriptarum, cum ſervitutibus, libertatibus, privilegiis, aliiſque præſcriptis, cum ſuis pertinentiis, prout ego tenore præſentium facio, conſtituo atque ordino prædictum Quintigernum M^cCaal hæredes ſuos & aſſignatos meos legitimos & irrevocabiles Hæredirarios Ballivos ejuſdem dimidietatis Acrarum & Carbonariarum reſpective preſcriptarum cum ſuis ſervitutibus & pertinentiis dando concedendo & committendo præfato Quintigerno M^cCaal ejuſque predictis meam plenariam poteſtatem & mandatum ſpeciale, curias earundem terrarum Carbonum & Carbonariarum ſupra aliquam partem earundem terrarum Carbonum & Carbonariarum quoties dicto Quintigerno ſuiſque præſcriptis expediens

pediens videbitur & opus fuerit ſuper & contra Tenentes Carbonum effeſſores, ceſſores, carbonum præfectos opifices ſervos alioſque ad eaſdem Carbonarias confluentes ſtatuendi Inchoandi, Tenendi, affirmandi & quoties opus fuerit continuandi, Clericos, Serjandos, Adjudicatores, aliaque curiæ membra neceſſaria creandi, leges & ſtatuta pro boni ordinis in dictis Carbonariis conſervatione, ſtatuendi deliquentes puniendi excidus & amerciamenta dictarum curiarum levandi,& generaliter omnibus aliis eatenus requiſitis dictum officium Ballivatus concernentibus, utendi & exercendi, modo ſuſe expreſſo in principali contractu alienationis inito & conſerto inter me prænominatum *T. A.* (cum conſenſu quondam *J. B.* meæ conjugis ab una) & *T. H. G. B.* Burgenſes Burgi de *E.* & *J. C.* Burgenſem de *P.* ab altera partibus dedata apud *M.* decimo die menſis *Octobris* Anno Domini 1601, in libris Dominorum Conſilii quinto die menſis *Februarii* Anno Domini 1602, Incerto & Regiſtrato prout dictus contractus ac Chartæ aliaque Jura & Documenta ad eadem ſpectantia in ſeipſis latius efferunt : *Quæquidem* equalis dimidietas dictarum trium Acrarum Terrarum Moræ Meræ de (*A.*) cum ſuis pertinentiis, nec non dicta dimidietas præfatorum Carbonum & Carbonariarum omnium dictarum Terrarum & Baroniæ de *A.* cum ſuis Servitutibus Privilegiis et Libertatibus ſupra Scriptis ut prefertur jacentium;*Unacum* hæreditario Officio Ballivatus dictæ dimidietatis: acrarum carbonum et carbonariarum reſpectivè, præſcripto, cum ſuis Servitutibus et Pertinentiis; Modo antedicto perprius ad denomiatum *T. H.* Mercatorem burgenſem, de *E.* per ipſum de me prædicto, *T. A.* de eodem, et Hæredibus meis Maſculis in feudefirma, Tentæ Hereditariè pertinuerunt, perque ipſum *T. H.* ejuſque Procuratores ejuſnomine ad hunc effectum ſpecialiter Conſtitutos et patentes literas, in litera Diſpoſitionis de ſuper conceſſa contentas,pure et ſimpliciter per fuſtum et Baculum, ut moris eſt in manibus meis Tanquam in manibus ſui immediati Superioris earundem apud *E.* Reſignatæ fuerunt, Una cum omnibus jure, Titulo, Intereſſe, Juriſclamio,proprietate et Poſſeſſione, quæ, quam, ſeu, quas, dictus *T. H.* Hæredes ſui et Aſſignati,habuerunt, habent, ſeu,quovis modo in, et ad eaſdem, duas dimidietates reſpectivè, prefatarum acrarum, Carbonum et Carbonariarum,aliorumque, predictorum, cum ſuis Servitutibus Libertatibus et pertinentiis, ſupra, ſcriptis, unacum Hereditario officio, Ballivatus earundem, ut prædictum eſt,, In futurum habere, vel clamare poterint : Et hoc in favorem dicti *Quintegerni Makcaal* Hæredum ſuorum et Aſſignatorum,pro hac mea nova Infeodatione ipſis in debita, et Competenti uti congruit forma de ſuper,danda et deliberanda, prout in authenticis, inſtrumentis de ſuper ſuſceptis Latius continetur, *Tenendam* et *Habendam*, Totam et integram, dictam Juſtam equalem dimidietatem, Totarum et Integrarum dictarum trium acrarum, Terrarum cum ſuis Pertinentiis præfatæ meæ moræ de *A.* Nec non Totam et Integram dictam equalem dimidietatem Univerſorum et ſingulorum dictorum carbonum, et carbonariarum omnium dictarum terrarum, et Barroniæ meæ de *A*, ubicunque dicti Carbones et Carbonariæ Jacent, aut Inveniuntur,aut effidi et haberi poterint ſubtus Terra ſive ſupra Terram,in quibuſcunque partibus etlocis dictarum terrarum et Barroniæ,aut infra Bondas et limites ejuſdem modo antedicto cum ſuis Servitutibus,commoditatibus, Privilegiis et Libertatibus ſupra dictis, unacum Hereditario officio Ballivatus dictæ dimidietatis earundem acrarum carbonum et Carbonariarum ac omnibus Libertatibus ad idem officium pro rata ſpectantibus, in dicto Principali Contractu ſpecificatis, ut prefertur, Memorato *Quintegerno Makcaal* Hæredibus ſuis et Aſſignatis præſcriptis,de me et Hæredibus meis Maſculis quibuſcunque, in feudefirma, ſeu emphiteuſi, & Hæreditate In perpetuum,per omnes rectas Metas ſuas antiquas & diviſas, prout jacent in Longitudine & Latitudine, cum plenaria poteſtate Libertate, & licentia dicto *Quintegerno Mackaal*, hæredibus ſuis & Aſſignatis preſcriptis pro

ſua rata portione prædicta, per ſeipſum ejus homines tenentes ſervos carbonarios carbonum prefectos aut vectores, hauſtores aquarum, aut alios quoſcunque per eorum directionem pro ſuo arbitrio, in ſuper ac per dictas terras & Barroniam, & quamcunque partem aut partes locum vel loca, ac infra Bondas, Metas & limites ejuſdem amputare cedere portare & lucrifacere dictos Carbones, & de ſuper alienare & diſponere, vehere & tranſportare eoſdem ad quaſcunque parres ipſis placentes per onera minora vel onera equina plauſtra curris & vehicula, ac pro meliori ampotatione, lucratione & vectione dictorum carbonum ad componendum fodiendum & ſuſtinendum Heugh, Pottis, Synchis, Syeris, Gutteris, Eyis, Levallis, Airhollis, gradus paſſagia Aquæ ductus, Detenimenta & Receptacula Aquarum, & qualibet arte dictos Carbones, & Carbonaria arefacere, & Aquas ex iiſdem haurire pro arefactione eorundem, ac detinere & tranſportare eaſdem Aquas cum exhauſtæ ſint quo voluerint, ac per quaſcunque Terras, Lapides, Ceſpites & Glebas aliaſque Materias, dictarum Terrarum & Baroniæ facere, reparare, conſtituere & ſuſtinere dictas carbonarias Pottis, Synkis, Syeris, Gutteris, Eyis, Levallis, Airhollis, gradus paſſagia, Aquæ ductus, Detenimenta & Receptacula Aquarum, & Ingenia prædicta, ac cum omnibus Servitutibus Itineris actus, & viæ per pedes, Equos, Currus vehicula, & aliis modis quibuſcunque, Et generaliter cum poteſtate dicto *Quintegerno Makcaal*, ſuiſque prædictis pro Rata ad utendum omnibus aliis Privilegiis, & libertatibus in principali contractu Alienationis, & Carta reſpective ſupraſcriptis, dedata prædicta ſpecificatis, prout idem contractus latius, *Enarrat Reddendo*, inde annuatim dictus *Quintegernus Makcaal*, Hæredes ſui & Aſſignati, præſcripti mihi dicto T. A. de eodem, & Hæredibus meis maſculis æqualem dimidietatem, ſummæ decem Librarum uſualis monetæ Regni *Scotiæ* Extendentem pro Rata, ad ſummam quinque Librarum ad duos anni terminos feſta, (*viz.*) Penteçoſtes & Sancti Martini in hyeme, per æquales portiones nomine feude-firmæ: Nec non poſt lucrationem dictæ dimidietatis, præfatorum univerſorum Carbonum, ac poſtea quam quidem Carbones, pro Rata deponuntur ſuper montem Carbonariarum ubi lucrantur lucratum, onus ejuſdem dimidietatis dictorum omnium Carbonum, tam majorum quam minorum, mihi dicto T, A. meiſque antedictis reſervabitur; & ad nos pertinebit, ac per nos, noſtros homines Servos & Factores libere recipietur, & Intromittetur immediate poſtea quam ſuper dictum, montem Carbonariarum deponuntur, cum poteſtate mihi, meiſque antedictis, ad noſtrum placitum ſuper dicto quarto onere dictæ dimidietatis præfatorum univerſorum Carbonum, ut prædictum eſt alienare & diſponere, ſicuti etiam poſt lucrationum dictæ dimidietatis, dictorum omnium Carbonum, & depoſitionem earundem ſuper dictum montem Carbonariarum, ac reſervationem & ſeparationem mihi dicto T, A. meiſque antedictis, noſtræ quartæ partis, vel quarti oneris ejuſdem dimidietatis noſtro uſui licebat, dicto *Quintegerno Makcaal*, ſuiſque antedictis eorum hominibus Servis, Carbonariis, Carbonum præfectis, & aliis per eorum directionem recipere & Intromettere, cum integris aliis Quatuor quateriis, & portionibus integriſque reſiduis & remanentibus præfatæ dimidietatis præfatorum omnium Carbonum pro rata, eoſque alienare uti, & deſuper diſponere ad eorun placitum: Et ſi contigerit dictam dimidietatem præfatorum integrorum Carbonum Inſimul alienari. Eo caſu, ego dictus T. A. meique antedicti habebimus; & habebunt quartam partem liberi pratii, pro eadem quarta parte dimidietatis omnium dictorum Carbonum habiti, Secundum notitiam dicti *Quintegerni Makcaal*, ejuſque antedicti, Secundum fidem & veritatem Computorum ipſis per eorum præfectos, & Servos ad idem per ipſos deputandos faciendorum, ſuper Juramento conſcientia declaratione, dictorum præfectorum & Servorum; Quæquidem declaratio ſtabit, ac ſufficiens erit mihi, meiſque antedictis, ſicuti pro me, meiſque præſcriptis acceptari contentus ſit, ac per preſentes accepto eandem declarationem & computum toties quoties fide contigerit tanquam declarationem & computum præfectum abſque quovis ulteriori proceſſu aut decreto legis de ſuper exegendis & prætendentibus, renunciando per præſentes, omnia alia computa de ſuperdanda ſive facienda ſecundum formam & tenorem dicti principalis contractus alienationis de ſuper confecti ac cartæ eundem ſecutæ in omnibus punctis pro omni alio onere exactione queſtione demando ſeu ſervitio ſeculari quæ de dicta æquali dimidietate per quoſcunque juſtè exigi poterant quomodo libet vel requiri, Inſuper dilectis meis --- & veſtrum cuilibet conjunctim & diviſim Ballivis meis in hac parte ſpecialiter conſtitutis ſalutem vobis præcipio & firmiter mando, quatenus viſis preſæntibus indilate ſtatum Saſinam

hæreditariam

hæreditariam pariter & poſſeſſionem corporalem actualem & realem, totiùs & integré dictæ juſtæ æqualis dimidietatis totarum & integrarum dictarum trium Acrarum Terrarum moræ de *A.* cum ſuis pertinentiis, nec non totius & integræ dictæ æqualis dimedietatis univerſorum & ſinguloru m dictorum carbonum & carbonariarum omnium dictarum terrarum & Baroniæ meæ de *Abercrombiæ*, cum ſuis ſervitutibus, Libertatibus & pertinentiis antedictis, unacum dicto hæreditario officio Ballivatus ejuſdem dimidietatis dictarum Acrarum carbonum & carbonariarum, cum omnibus privilegiis & commoditatibus ad idem pro rata ſpectantibus modo preſcripto prænominató *Quintegerno Mackall* vel ſuo certo acturnato latori preſentium, per terræ lapidis & carbonis fundi dictarum Acrarum & carbonariarum reſpective in forma juris ſolita traditionem Secundum Tenorem Cartæ meæ præſcriptæ juſte haberi faciatis tradatis & deliberetis, & hoc nullo modo omitatis, ad quod faciendum vobis & veſtrum cuilibet conjunctim & diviſim Ballivis meis in hac parte antedictis meam plenariam & irrevocabilem tenore præſentium committo poteſtatem, in cujus rei teſtimonium (huic preſenti cartæ meæ præceptum Saſinæ in ſe continenti manu mea ſubſcriptæ) ſigillum meum proprium eſt appenſum (& vero per H, R. Servum Magiſtri *Ja. Harlaw* Scribæ Signeti Regii ſcripta eſt) apud *Edinburgum* ſeptimo die menſis *Junii*, anno domini milleſimo ſexcenteſimo ſexto, coram his teſtibus Magiſtro *Thoma Abercromby* de *Craigie*, *Richardo Dobie* Mercatore Burgenſe de *Edenburgo* Magiſtro *Jacobo Harlaw* Signeti Regii Scriba *Andreæ Drummond* meo ſervo & *Joanne Kirk* ſervo dicti Magiſtri *Jacob Harlaw* Sic Subſcribitur ---

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DISPOSITION of Lands, &c. Irredeemably (full and ample) contains the Right of Property, of ſome Superiorities of others, with Patronages and Teinds and Office of Bailliary, and wherein I ſhall ſuppoſe no extraordinary Tailzie.

BE it kend to all Men by thir preſent Letters, me *A. B.* of —— heretable proprietar, or Superior of the Lands, Barony, and others after-diſponed, with the pertinents; *Foreſameikle as M. I. H.* of —— has inſtantly advanced, payed and delivered to me, all and haill the Sum of —— uſual Money of this Realm, (as the full and true price agreed, and condeſcended upon betwixt us, for the heretable and irredeemable Right of the Lands, Barony and others after-ſpecified, diſponed by me to him in property, and for the heretable and irredeemable Right of the Supriorities of the other Lands and other after-mentioned, Feu, Blenſh, and other Duties due and payable to me, as Superior furth thereof, likeways diſponed by me to him in mannet after-expreſt) and of the which Sum (as price foreſaid) I hold me well Content, ſatisfied and payed, and for me my Heirs and Executors, Exoners and Diſcharges the ſaid *M. I. H.* his Heirs, Executors, and all others whom it effeirs of the ſame renuncing the Exception of not numerat Money, & all other Exceptions and Objections of the Law whatſoever, that may be proponed or alledged in the contrair for now and ever. *Therefore*, wit ye me to have Sold, Annalzied and Diſponed, likeas, I by thir preſents Sell, Annalzie and Diſpone to the ſaid M. *I. H.* and Heirs-male of his Body, which failzeing, to his Heirs-male whatſoever; Which all failzeing, to his Heirs whatſoever, and their Aſſigneys, heretably and irredeemably, all and haill the Lands and Barony of ——comprehending the particular Towns, Lands, Milns, Miln-lands, Patronages, Teinds, heretable Office of Bailliary, and others after-ſpecificed, with the pertinents, *viz.* (*here inſert all comprehended in the Barony as they are enumerat, and particularly ſet down in the Diſponers Charter under the great Seal, and where they ly, and then ſay*) All pertaining and belonging to me in Property; And ſicklike all and ſundry the Towns, Lands, and others particularly after-mentioned, *viz.* (*here inſert all belonging to the Diſponer in Superiority, and where they ly, and then ſay*) pertaining and belonging in Fee

and Heretage to *C. D.* of —— and holden by him and his Predeceſſors immediatly, of me and my Predeceſſors and Succeſſors Simple-ward, for payment of the Rents and Services uſed and wont, conform to his Rights and Infeftments thereof, And in like manner all and haill (*& ſic de cæteris* of the Superiority of the other Lands holding Feu, and to whom they pertained in Fee and Heretage, as to the *Dominium utile*) As alſo all and haill the Lands of ——, pertaining heretably to *H. D.* of —— and holden by him and his Predeceſſors of me and my foreſaids in Free, Blenſh-Fee and Heretage, for payment of the Blenſh-duty contained in his Rights and Infeftments of the ſame together with all Right, Title, Intereſt, both property and Superiority, and other Right, Title, Intereſt, Claim of Right and Poſſeſſion as well *petitor as poſſeſſor* whatſoever, whilks I, my Predeceſſors and Authors, Heirs and Succeſſors, Had, Have, or any ways may have, claim or pretend thereto, or to any Part or Portion thereof, or to any Annualrent, Annuity, or other duty upliftable furth thereof, or to the Mails, Farms, Cains, Cuſtoms, Caſualities, Profits, Duties, and Feu and Blenſh-duties of the ſame reſpective, by whatſoever manner of way in time-coming, and I bind and oblige me my Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid *M. J. H.* and his foreſaids, Heretably and Irredeemably in the ſaids Lands and Barony of —— comprehending the particular Towns, Lands, Milns, Milnlands, Patronages, Teinds, Heretable-Office of Bailliary, Mannor-places, Houſes, Biggings, Yards, Orchards, and others above-ſpecified, diſponed be me to them in Property as ſaid is, and in the Superiority of the ſaids Lands of —— holden of me by Service of Ward and Relieff in manner foreſaid, by Reſignation in manner after-mentioned, and als in all and haill the remanent Towns, Lands, and others above-written, pertaining heretably to the perſons above-named, and holden be them of me in Feu and Blenſh-Farms, in manner above-rehearſed, and that by double Infeftments and manner of Holdings, the one thereof to be holden of me and my foreſaids in Free-blenſh, for payment of one Penny *Scots* Money, upon the Ground of the ſaids Lands at the Feaſt of *W.* yearly, in name of Blenſh-Farm, if it be asked allennarly, and relieving me and my foreſaids at my Superiors hands, of the Duties due and payable by us to them furth thereof in time coming: And the other of the ſaids Infeftments to be holden from me and my foreſaids, of my ſaids Superiors, ſicklike and as freely in all reſpects, as I held or may hold the ſame my ſelf, and that by Reſignation or Confirmation in their option (the Acceptation of the one to be no ways prejudicial to the other) and for that effect, to make grant, ſubſcribe and deliver to them, ſufficient Diſpoſitions, containing Procuratries of Reſignation, Charters containing Precepts of Seaſin (as to what holds of my ſelf Feu or Blenſh as ſaid is) and other Securities requiſite and neceſſary thereanent, with Warrandice always in manner under-written, (the ſaids Writs being formed, and the ſaids Infeftments exped upon their own proper Charges Moyen and Expenſes) and for the better obtaining of the ſaid Infeftment of the ſaids Lands and Barony of —— comprehending in manner foreſaid, belonging to me in Property, and which I hold of the Crown Taxt-ward, and of the ſaids other Lands holden of me by Service of Ward and Relief in manner foreſaid, and which I likeways hold of the Crown Taxt-ward, and in likemanner of the ſaids other Lands, and others belonging to me in Superiority, which I hold alſo of the Crown Feu and Blenſh, and that by Reſignation as ſaid is (and but prejudice of the other Infeftment above-written) I by thir preſents, Make, Conſtitute and Ordain —, and ilk an of them, conjunctly and ſeverally my very lawful indoubted and irrevockable Procurators, Actors, Factors, and ſpecial Earand-bearers, to the effect after-ſpecified, Giving, Granting and Committing to them, conjunctly and ſeverally as ſaid is, my very full, free,

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plainpower, expreſs Bidding, Mandat and Charge, for me in my Name, and upon my behalf, to compear before his Sacred Majeſty and Royal Succeſſors, my lawful Superiors of the ſaids Lands and Barrony of —— comprehending in manner foreſaid; And likeways of the remanent Lands, and others above-ſpecified, with the Pertinents, all lying and pertaining heretably in Property and Superiority to me in manner above-expreſt, or their Commiſſioners in their Names, having there Power and Commiſſion to receive Reſignations, and thereupon to grant new Inſeſtments, and that any Day and Place lawful and convenient, and there with all due Humility and condigne Reverence (as becomes) purely and ſimply, by Staff and Baton as uſe is, to Reſign, Surrender, Over-give and Deliver; Likeas, I by thir preſents Reſign, Surrender, Over-give, and Deliver, *all and haill* the foreſaids Lands and Barony of —— comprehending the haill Towns, Lands, Milns, Miln-Lands, Patronages, Teinds, Heretable-Office of Bailiary, Mannor-places, Houſes, Biggings, Yards, Orchards, and others reſpective, particularly and generally above-ſpecified, and diſponed by me to the ſaid M. *J. H.* and his foreſaids, heretably and irredemably in Property as ſaid is, lying in manner foreſaid (and all here holden as for expreſt *brevitatis cauſa*) And alſo all and haill the foreſaids Lands of ——(*here inſert all the other Lands, and others in the diſpoſitive clauſe, and then ſay*) lying in manner above-written, and pertaining heretably to the particular Perſons above-named, holden by them of me Simple-ward, and in Feu-Farm, Blenſh-Farm, Fee and Heretage reſpective, & pertaining to me in Superiority in manner above-rehearſed, together with all Right Title Intereſt (both Property and Superiority,) and other Right, Intereſt, Claim of Right and Poſſeſſion, (als well Petitor as Poſſeſſor) which I, my Predeceſſors, Cedents and Authors, Heirs and Succeſſors had, have, or any ways may have, claim, or pretend to the ſaids haill Lands, Barony, and others, particularly and generally above Diſponed and Reſigned, with the Pertinents, or to any part or portion thereof; or to any Annualrent, or other Duty upliftable furth of the ſame, or to the Mails, Farms, Profits, Feu and Blenſh-Duties, or other Duties thereof in time-coming, in the Hands of my ſaids lawful Superiors, or of their Commiſſioners above-mentioned, in favours, and for new Inſeftment of the ſame, to be made and granted to the ſaid M. *J. H.* and to the Heirs-Male of his Body; whilks failzieing, to his Heirs-Male whatſoever; whilks all failzieing, to his Heirs whatſoever, and their Aſſigneys, Heretably and Irredeemably, to be holden of my ſaids lawful Superiors, in ſuch due and competent form as accords, Acts, Inſtruments and Documents one or moe as need beis in the Premiſſes, to ask and raiſe, and generally all and ſundry other things thereanent, to do, uſe and exerce als freely in all reſpects as I might do therein my ſelf if I were perſonally preſent: Promiſing to hold firm and ſtable, *&c.* and whilks Infeftments (and either of them) ſhall bear and contain this expreſs Clauſe of Warrandice following, likeas (now as if the ſaids Infeftments were already made and paſt, and then as now) I by thir Preſents Bind and Oblige me and my foreſaids, to warrand, acquit and defend the foreſaid Right and Diſpoſition, Reſignation and Infeftments to follow thereupon, Lands & Barony of —— (comprehending as ſaid is) and the haill remanent Towns, Lands, and others above Diſponed, with the Pertinents therein-contained) to be ſufficient, free, ſafe and ſure to the ſaid M. *J. H.* and his foreſaids in Property and Superiority *reſpective*) from all and ſundry Wards, Releifs, Nonentries, Marriages, (and ſingle and double thereof) Eſchears, Liferents, Forfaultures, Recognitions, Diſclamations, Purpreſtures, Inhibitions, Interdictions, Appryſings, Adjudications, former Alienations, privat and publick Infeftments, Coniunct-fees, Liferents, Ladies Terces, Annualrents, Annuities, Tacks, Aſſedations long or ſhort, Reductions of Infeft-

ments, Services and Retours; and generally from all and ſundry other Perrils, Burdens, Dangers, and Grounds of Eviction whatſoever, alſwell not named as named, by-gone, preſent as to come, whilks may any ways ſtop, trouble or prejudge them in the peaceable Poſſeſſion thereof, or Intromiſſion with the Mails and Duties, Feu and Blenſh-Duties, and other Duties of the ſame in time-coming, at all Hands and againſt all Deadly; Providing always, that if any Action of Eviction be Intented, that they make lawful Intimation to me and my foreſaids thereof, Perſonally, or at our Dwelling places for the time, in preſence of an Nottar and Wittneſſes, at leaſt before Litiſconteſtation be made in the Cauſe, to the effect we may compear, concur and defend, and make the Writs and Evidents of the Lands now delivered by me to the ſaid *M. J. H.* upon Inventar furth-coming to us for that effect; and alſo excepting always furth and from the ſaid abſolute Warrandice, the Right of Feu granted by my Predeceſſors of the ſaids Lands of ——, with the Pertinents, to the ſaid *C. D.* or his Predeceſſors, and the Right granted by my Predeceſſors to the ſaid *H. D.* his Predeceſſors of the ſaids Lands of ——, with the Pertinents, and Right granted by me or my Predeceſſors to the ſaid —, of the ſaids Lands of ——, and all to be holden of my ſaids Predeceſſors, and now of me as their Succeſſor, in ſimple Ward, Feu-farm, and Blenſh-farm, Fee, and Heretage *reſpectivè*, for ever; and in ſo far as may infer double Warrandice allanerly againſt me and my foreſaids. And it is hereby expreſly Provided and Declared, that the Exception of the ſaids ſimple Ward, Feu and Blenſh-Rights, furth of the ſaid Warrandice, ſhall not import or infer any explicite or implicite Ratification, or Homologation thereof, but that it ſhall be always Leiſum & Lawful to, & in the Power of the ſaid *M. J. H.* and his foreſaids as now Superiors thereof to Reduce, quarrel and Impugn the ſame upon whatſomever Grounds Competent to them of the Law, which ſhall not Inferr Warrandice againſt me or my foreſaids: And ſiclike, excepting and reſerving furth of the ſaid Abſolute Warrandice, the Tacks and Aſſedations after-ſpecified, Set by me to the Tennents after-named, of theſe parts & portions of the ſaid Barrony particularly after-expreſt, *viz.* (*here Inſert the Tacks curtly with the years thereof, and Duty therein mentioned*, and then ſay;) And that for the years of the ſame, yet to Run, and unexpired; and in reſpect of the foreſaid Exception; I hereby Make and Conſent, the ſaid *M J. H.* and his foreſaids, my Aſſigneys in, and to to the ſaids haill Tacks, Duties, Services, and Penalties therein contained, and that of ——; (*here Inſert the Term of the Entry*, and then ſay;) and Yearly and Termly thereafter in all time-coming during the haill Space, Years, and Terms to run of the ſaids Tacks, and in, and to the haill Mails, Farms, Kains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others foreſaids of the ſaid Barrony Set in Tack as ſaid is, of all Years and Cropts, after the Expiring of the ſaids Tacks in all time coming; And it is hereby Declared, that neither the Granting, nor Acceptation of thir Preſents (with the foreſaid Exception and Aſſignation to the ſaids Tack-Duty) ſhall any ways Import, or Inferr any Approbation or Homologation thereof; but on the contrair, it ſhall be lawful to, and in the Power of the ſaid *M. J. H.* and his foreſaids, to Quarrel and Impugn the ſame upon whatſoever Grounds competent to them of the Law, that ſhall not Inferr Warrandice againſt me or my foreſaids: And for the ſaid *M. J. H.* and his foreſaids, their farder Security anent the Premiſes; I have Aſſigned, Transferred, and Diſponed; Like as, I by thir Preſents Aſſigne, Transferr & Diſpone in their Favours, all & ſundry, Contracts, Diſpoſitions, Charters, Inſeftments, Procuratories and Inſtruments of Reſignation, Precepts and Inſtruments of Seaſing, Retours, Precepts thereupon under the Quarter-Seal, and Seaſing following on the ſame, Indentors, and Decreets of Marches, Tacks, Aſſedations, Decreets of Plat and Prorogations,

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Valuations, and all other Writs, Evidents, Rights, Titles, and Securities whatſoever Made and Granted, by whatſoever Perſon or Perſons, to me, my Predeceſſors, Cedents, and Authors of, upon, or concerning the ſaids haill Lands, Barony, and others particularly & Generally Above-Diſponed with the Pertinents, and of the Teinds, Parſonage, and Viccarage thereof: And ſpecially, (but prejudice of the Generality foreſaid,) the Contracts, or other Right of Feu, paſt betwixt my Predeceſſors and the ſaid *C.D.* his Predeceſſors anent the ſaids Lands of ——, with the Pertinents and Infeftments following thereupon, and haill Benefit thereof, and Contract, or other Right paſt betwixt my ſaid Predeceſſor, and the ſaid *H.D.* his Predeceſſor, whereby the ſaids Lands of —— with the Pertinents, were Diſponed to the ſaid H.D. his Predeceſſor in free Blench, for payment of the Duty therein expreſt, together with the Infeftment following on the ſame, and Benefit thereof, and Contract, or other Right Granted to the ſaid ——— of the ſaids Lands of ——, to be Holden by Service of Ward and Relief, and Benefit of the ſame, of whatſoever Dates, Tenors, Contents, Nature or Quality, all, or either of the ſaids haill Rights be of, together alſo with the haill Heads, Obligments, Articles and Clauſes contained in all, or ether of the ſaids Rights; and have Surrogat, and by thir *Preſents Surrogat*, and Subſtitute the ſaid *M. F. H.* and his foreſaids in my full Right, Vice Title and place of the haill Premiſſes for now and ever, Admiting and Declaring the Generality foreſaid, to be als Valid, and Sufficient, and of als Great Force, Strength, & Effect, to all Intents and Purpoſes, as if all the ſaids Writs and Evidents generally Above-Aſſigned, Transfered and Diſponed, were *de verbo in verbum* herein Inſert, and Ingroſſed, albeit not ſo done, whereanent Diſpenſes for ever: And ſiclike, I by thir *Preſents*, Makes, Conſtitute, and Ordain the ſaid *M. J. H.* and his foreſaids, my Indoubted and Irrevocable Ceſſioners and Aſſigneys, in, and to the haill Mails, Farms, Kains, Cuſtoms, Teinds, Caſualities, Profits and Duties of the Lands and others above-diſponed by me in property, (and not under tack) and that of the Crop and year of GOD, —— years and haill Terms thereof (being the firſt Cropt of their Entry,) and yearly and Termly thereafter in all time-coming: And in like manner, in, and to the Feu-duties, and other Duties and Services due and payable by the ſaid *C. D.* out of the Lands and others above-ſpecified pertaining to him in Feu-farm Holden of me in manner foreſaid, &in, & to the Blench-duty due & payable, & what elſe preſtable by the ſaid *H. D.* to me as Superior furth of the Lands and others foreſaids pertaining to him, and Holden of me in manner above-expreſt, and Duties & Services due and preſtable to me as Superior, furth of the ſaids Lands and others foreſaids pertaining Heretablly to the ſaid ——, and Holden by him of me by Service of Ward and Relief in manner foreſaid, and that of all years bygone Reſting unpayed, and in all time-coming, and all Action, Purſute and Inſtance competent, or that may be competent to me or my foreſaids thereupon for the future, *Withfull Power* to the ſaid *M. I. H.* and his foreſaids to Intromet with, Uplift, Ask, Crave, and Receive the ſaids Mails, Duties, Feu, Blench, and other Duties, Cuſtoms, Caſualities and Services above-aſſigned, and to Uſe and Diſpoſe thereupon at Pleaſure, and to Call and Purſue therefore, and to Set and Raiſe Tennents, uſe Warning, Proſecute Removing as to the ſaids Lands and others, Diſponed in property as ſaid is; Decreets in the Premiſes to Obtain and Recover, and the ſame to Due and Lawful Execution cauſe be put, and to do what elſe, I as Proprietar, or Superior might have done therein my ſelf at any time before the granting of thir Preſents; And I Bind & Oblige me and my foreſaids, to Warrand the foreſaid Aſſignation and Right to the ſaids Writs and Evidents in Property and Superiority reſpective at all Hands; And to the ſaids Teinds, (in ſo far as I have only Right by Tacks or

Prorogations, & ſo Temporary, & to the ſaids Mails & Duties from my own proper Fact and Deed allenarly, done, or to be done in prejudice thereof, and but prejudice, nevertheleſs to the ſaid *M. J. H.* and his foreſaids of the ſaid abſolute Warrandice, as well for the Teinds as for the Stock Heretably and Irredeemably Diſponed by me to them in manner above-rehearſed; and which by the ſaid Warrandice from Fact and Deed is no ways to be Innovat, hurt or prejudiced in the leaſt, the one being always to them, but prejudice of the other: *And ſicklike*, I Bind and Oblige me and my foreſaids to Warrand, Free, Relieve, Harmleſs and Skeathleſs keep the ſaid *M. J. H.* and his foreſaids, of all Feu and Blench-duties, and other Duties whatſoever, due and payable to the Superior, and of all Teinds, Teind-tack-duties, Miniſters and School-Maſters Stipends, and Augmentations thereof, Communion-Eliments, Reparation of Kirks, and Kirk-yeard Dyks, Ceſſes, Taxations, Out-reiks and Levies of Horſe and Foot, and all other publick Burdens and Impoſitions whatſoever, due and payable furth of the ſaids Lands and Barony of —— comprehending in manner foreſaid, or out of the Superiority, Feu, and Blench-duties out of the other Lands, and others above-diſponed, and that of all Years, Terms, and Moneths preceeding the Term of ——, (being the Term of their Entry to the ſaids Lands and others foreſaids, both Property and Superiority) they always Relieving me and my foreſaids of the like in time-coming; and farder, I hereby Diſpone to them my Seat and Dask, (and if a Loaft, call it ſo) in the Church of ——, and the Ground whereupon Built belonging to the ſaid Barony, with Power to them Inſtantly to take Poſſeſſion thereof, and Diſpoſe of the ſame at Pleaſure; likeas I have Inſtantly delivered to the ſaid *M. J. H.* the Writs and Evidents of the ſaids Lands and Barony of ——, with ſuch as I have of the other Lands above-diſponed belonging to me in Superiority, and that upon Inventar Mutually Subſcrived by him and me of the Date of thir Preſents to be kept and uſed by him and his foreſaids as their own proper Writs and Evidents at their Pleaſure in time-coming, and which they are Bonnd to make Furth-coming to me and my foreſaids for Defence of the Right of the ſaids Lands, Barony, and others foreſaids, in caſe the ſame be called, and brought in Queſtion in manner above rehearſed; Inſert now a Clauſe of Regiſtration and Precept of Seaſing, only as to the Lands (excentrick to the Barony, and what elſe Holds Ward,) which Hold Feu or Blench of the King, but no ways Inſert the Barony, or what elſe Hold Ward in the Precept, leſt an Inadvertant Nottar take Seaſing, and ſo recognoſce the Barony and what elſe Ward; as a Nottar did to Provoſt *Grahame* in *Drumfreis* whoſe Creditors Suffered much by it, and to prevent the like, this Diſpoſition only bears an Obligement to Infeft in the Barony and what elſe Ward by Reſignation; whereas the other Lands Diſponed, Holding Feu or Blench, is by Double Infeftments.

Nota, *A Queſtion may ariſe here*, viz. *ſhould a Writer Inadvertantly Inſert a Precept of Seaſing containing Ward, as well as Feu and Blanch Lands, and the Acquirer of the Right; Likeways, ſo inconſiderat, (and denied to his own Safety and Security,) as to take Seaſin, and Regiſtrat before Confirmation, (which ſhould always preceed.) and by this Deed the Ward Lands recognoſcing upon whom ſhall the Hazard terminat, whether the Diſponer who gave the Power, or the Acquirer who anticipat by taking Seaſing before the Superiors Conſent to, and Confirmation of the Right was Obtained, and really as I ſuppoſe the Caſe has hardly been in the Feild, and Determined for what I ever Read or ſee; The Diſponer has much to ſay for*

for himself, that the Acquirer should either have obtained a Confirmation before taking of Seasing, or past his Infeftment by Resignation, and not having done, either sibi Imputet, *and the Acquirer may Urge, he did not understand the Law, or Hazard of Recognition, and in what cases such fell to the Superior; and the Seller having given him a Precept of Seasing (without Reserve,) he conceived himself* in Tuto *to take Seasing, and so* non per Eum stat, *but to be imputed to the Disponer who gave the Power, but for these, and such like Questions, they belong to Lawyers, and I leave the Matter to them. Only however, the Decision in Law might go, the Remeedy is far more easie, and the Expense less, in the the Writers leaving out a Precept of Seasing as to the Ward-Lands, (whither Simple or Taxt, being all one as to their Nature, and but differing in the Quality,) and only Inserting (as to these,) a Procuratory of Resignation as I have said; and if any have Erred in this, let them do so no more: I have likeways seen such Precepts of Ward-Lands, but with Provision and Qualification, that no Seasing pass therein until first Confirmed, which yet seems more Favourable for the Disponer (should the the Acquirer Act otherways,) and yet to put all Hazard out of Doors, that of passing by Resignation, or first Confirming, is* Tutius.

Nota, *To prevent the Writing, or Inserting the Stiles of several (or many) Dispositions, or Irredeemable Rights; I choise rather to Observe some things in Liew, and is all one to the Intelligent, or partly Bred in Forms with a Clerk to the* Signet. *as*

1. *At times, the* Estate *to be Disponed, is Affected with some Wadsets or Rights of Annualrents, (but I shall suppose both,) in which case the Disponer cannot, (even with a part of the* Price*) purge them, (albeit never so willing,) because there be Years of Suspension, (both as to Premonition and Requisition;) So that there is a Necessity in that case to Transmit the* Right *with the Burden of these Wadsets and Annualrents; and therefore, the Disposition most Bear for Someikle as the Acquirer has instantly made payment to the Disponer of the Sum of ——, which (with the other Sums after-specified, Due upon the Lands by way of Wadset upon, and* Rights *of Annualrent out of a part of the Lands in manner aftermentioned, and with the Burden of the* Redeeming *and* Purging *whereof, and relieving the Disponer of the Requisitions and* Penalties *contained in the Contracts of* Wadset, *and Rights of Annualrents made thereanent,) compleats and makes up the Sum of —— as the whole* Price *Agreed, and Condescended upon betwixt them, for the Heretable and Irredeemable Right of the haill Lands and others after-disponed with the* Pertinents, *and of the which* Price *payed, and to be payed, the way and manner foresaid; The Disponer is to hold him well Content, renounces all Exceptions in the contrair, and Discharges the Acquirer for what now* Payed, *for now and ever, and Allowed him to pay the Residue of the said* Price *not now payed and Advanced, for Clearing and* Purging *the saids Rights of* Wadset, *and Annualrents in manner after-expresst; And so this Draught differs in that from the former Draught of the Disposition Insert.*

2. *After the words Heretablly, and Irredeemablly in the Dispositive Clause, Obligment to Infeft, and before Acts, Instruments, and Documents in the Close of the* Resignation; Ye would add these Words, *with the Burden always of the Clearing and purging of the* Wadsets *and* Rights *of Annualrents after-mentioned, and* Relieving *the Disponer and*

his Heirs and Succeſſors thereof; and of the Requiſitions *and* Penalties *contained in the ſuids* Rights *in manner after-expreſt.*

3. *After the Clauſe of Abſolute* Warrandice, *and theſe* Words *at all Hands, and againſt all Deadly, as Law will: It is fit, theſe* Wadſets *&* Rights *of Annualrent be Curtly, (but Neatly and Faithfully) excepted out of the* Warrandice, *Condeſcending on the Contracts (or other* Rights*) Granted upon theſe Sums by whom Borrowed, to whom Due, and Dates of all the* Rights *(whether Contract or Heretable-Bonds,) and with this Concluſion thereafter, and that in reſpect the ſaid Sums were deduced and allowed to the Acquirer in the* Price, *and with the Burden of the payment whereof, and* Relieving *the Diſponer, and his foreſaids of the ſame, and of the Clauſes of* Requiſitions *therein-ſpecified, and* Penalties *therein contained, this preſent* Right *and Diſpoſition is not only* Granted *and accepted; and* Reſignation *and Infeftments appointed to follow thereupon; But alſo the Acquirer and his Heirs and Succeſſors, would be Expreſly and Perſonally Bound to perform the ſame at the Expiration of the Tears of Suſpenſion, or Elapſing of the Terms of payment mentioned in the ſaids* Rights, *and to report Diſcharges and* Renunciations *of the ſame, duely* Regiſtrat *in the* Regiſter *of Seaſines, or to the Acquirer and his Heirs,* &c. *And likeways to the* Diſponer *and his, or to give them* Extracts *thereof, and that under a* Penaltie *attour* Performance.

In the Aſſignation to the Writs *and* Evidents, *and* Mails *and* Duties; *and likeways before, in* Witneſs *whereof, after the* Precept *of Seaſing (wherein Advert, as to* Ward-Lands ut ſupra,*)* Ye may add theſe Words curtly, *(becauſe once, and after the* Warrandice, *Set down at* Large,*) and that with, and under the Burden of the ſaids* Wadſets *and* Rights *of Annualrents, and purging and paying the ſame, and relieving the Diſponer and his foreſaids thereof, and reporting to them ſufficient & valid Diſcharges, and* Renunciations *of the ſame in manner above-rehearſed.*

DISPOSITION *By a Gentleman, of ſome Lands; (whereof he was not only Proprietar) but alſo of the Parſonage and Viccarage-Teinds thereof, to which he had an heretable Right from the* Laick Patron *and* Titular, *in favours of A. R. a Magiſtrat in P. in* Liferent, *and his Son in Fee, and to the Heirs-male of his* Body; *which failzieing, to the Heirs-male and of* Tailzie *after-ſpecified, with a Faculty to the Father as after expreſſed.*

BE it known to all Men by thir preſent Letters, Me --- A. of ---, heretable Proprietar of the Lands, Teinds, Parſonage and Viccarage thereof, and others after-diſponed, with the Pertinents. *Forſomuch* as A. R. *D.* of ---, has inſtantly advanced, payed and delivered to me the Sum of ---, as the true and real Price agreed upon, betwixt him & me, for the heretable & irredeemable Right of the ſaids Lands, Parſonage and Viccarag-Teinds thereof, & others after diſponed, with the Pertinents, whereof I hold me well content, ſatisfied & payed Renunce all Exceptions and Objections in the contrare; and Diſcharge him, his Heirs, Executors, and all others whom it effeirs of the ſame, for now and ever. *Therefore,* wit ye me to have ſold, annalzied and diſponed; Likeas I by thir Preſents, (with and under the expreſs Reſervations, Proviſions, Conditions, Power and Faculty, and Reverſion after-ſpecified, and no otherways,) Sell, Annalzie and Diſpone to the ſaid A. R. in Liferent, during all the days of his lifetime; and to --- *R.* his eldeſt lawful Son, in Fee, and to the Heirs-male of his Body: which failzieing, to (*here were ſeveral other Sons* ſucceſſive *downward, and Heirs-male of their* Bodies, *and failzieing of them (as the Father pleaſed, and then followed)* together with all Right, Title, Intereſt, (in the ordinar Stile,) &c.

&c. And Bind and oblige me, my Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid A. R. in Liferent, and the ſaid --- *R.* his Son and Heirs-male of his Body; which failzieing, his other Heirs-male and of Tailzie above mentioned, and their Aſſigneys, heretably and irredeemably, in the *L*ands, Teinds, and others above-diſponed; with the Pertinents (with and under the expreſs Proviſions, Conditions, Declarations, Reſervations, Power, Faculty and Reverſion above-expreſt, and no otherways) and that by double Infeftments, and manner of holdings *a me*, and *de me*, (*follow the ordinar Stile in this, for the* Lands *hold Feu, and then ſay*) and to grant, ſubſcribe & deliver to them in Liferent and Fee *reſpective*; and with the Conditions, Reſervations and Faculty above-written: all *R*ights and Securities requiſite and neceſſar thereanent, with Warrandice always in manner under-written. The ſaids Writs being Drawn and Formed, and the ſaids Infeftments paſt and expede upon the proper Charges, Moyen and Expenſes of ---, and for the better obtaining of the foreſaid Infeftment by Reſignation, (but prejudice always of the other Infeftment above rehearſed) by thir Preſents, make, conſtitute, and ordain ---, and ilk an of them, conjunctly and ſeverally, my very lawful, undoubted and irrevocable Procurators, and ſpecial Errand bears, to the effect after-ſpecified: Giving, granting and committing to them conjunctly or ſeverally as ſaid is, my very full, free, plain Power, expreſs bidding, Mandat and Charge for me, in my name and upon my behalf, to compear before his Sacred Majeſty and Royal Succeſſors, Superiors of the ſaids Lands, Teinds, and others above diſponed, with the Pertinents lying as ſaid is; or their Commiſſioners in their names, having their Power to receive Reſignations, and thereupon to grant new Infeftments any day, & place lawful and convenient; and there with all due Humility & condign Reverence, (as becomes) purely and ſimply by Staff and Baſton as uſe is, to Reſign, Surrender, Overgive and Deliver; Likeas I be thir Preſents, *R*eſign, Surrender, Overgive and Deliver, *A*ll and *Haill* the foreſaid juſt and equal half of the ſaid Town and *L*ands of *C*. with the other eighth part of the ſaid Town and *L*ands, Houſes, Biggings, Yards, Woods, Dovecats, Graſings, Parts, Pendicles, and *P*ertinents thereof, lying as ſaid is; together with the Teind-Sheaves thereof, and other Teinds, as well Parſonage as Viccarage included; together alſo with all Right, Title, Intereſt, Claim of Right, Property and *P*oſſeſſion, as well *P*etitor as *P*oſſeſſor; which I or my foreſaids had, have, or any ways may have Claim, or pretend to the ſaids *L*ands, Teinds and others foreſaids, or to any part or *P*ortion thereof, or to the Mails and *D*uties of the ſame, or to any Annualrent, Annuity, or other Duty, yearly or termly upliftable forth thereof from the time after-ſpecified of their Entry thereto, in manner after-mentioned, and thereafter in time coming, be whatſoever manner of way; *in the hands* of my ſaid Superiors, or their Commiſſioners above-mentioned; *in favours*, and for new Infeftment of the ſame, to be made and granted to the ſaid *A. R.* the Father in liferent, and to the ſaid --- *R.* his eldeſt lawful Son in Fie; and to the Heirs-male of his Body; which failling, to the other Heirs-male and of Tailzie above-ſpecified; and their Aſſigneys, heretably and irredeemably to be holden of the ſaid Superiors, in ſuch due and competent Form as accords: But with this expreſs Reſervation, *P*roviſion, Condition and Declaration always. *L*ikeas, it is hereby expreſly provided and declared, and be it ſo expreſly provided and declared by the *R*eſignation and Infeftments to follow hereupon; That notwithſtanding of the *R*ight of Fee of the ſaids Lands, Teinds and others foreſaids, taken by the ſaid *A. R.* the Father, in the perſon of the ſaid --- *R.* his eldeſt lawful Son, and Heirs-male of his Body; which failing of the remanent perſons mentioned in the ſaid Subſtitution, and their foreſaids, heretably and irredeemably as ſaid is: Yet it ſhall be ſtill leiſume and lawful to, and in the power of the ſaid A. the Father, at any time in his lifetime, *etiam in lecto ægretudinis, & in articulo Mortis*, be himſelf alone, and without conſent of the ſaid --- *R.* his eldeſt Son, or Heirs-male of his Body; or of the remanent perſons in the ſaid Tailzie, and of their foreſaids; or of their Tutors and Curators (albeit Minors for the time) to Sell, Annalzie and Diſpone the ſaids Lands, Teinds and others foreſaids, to any perſon or perſons he pleaſes, either in Wodſet, or irredeemablie, (in his Option, and as they ſhall eſteem expedient) and to renounce the *R*everſion of the ſaids Wodſets when granted; and to contract Debt, and to Burden and Affect the ſaids Lands and Teinds therewith; and to grant perſonal Bonds, or real Securities, for that effect;

and to provide his younger Children with ſuch Proviſions as he ſhall think fit; and to grant them Securities thereof, bearing Annualrent and Expenſes; and to grant Liferent Rights of the ſaids Lands and Teinds, or Annuities, or Annualrents forth thereof, to what perſon or perſons he ſhall think expedient, by Infeftment, Tack, or otherways, and for what duty he pleaſes; and to do every other thing in relation to the ſaids Lands and Teinds, diſpoſing thereof, or affecting the ſame; that he might do, had he not taken the Right of Fee thereof to his ſaid eldeſt Son and his foreſaids, which failing as ſaid is; but had taken the ſame in favours of himſelf, his Heirs and Aſſigneys, heretably and irredeemably: and they after his death, Served and Retoured Heirs to him therein, and thereby obliged to fulfill all his Deeds. And with and under the which Proviſions, Condition, Declaration, Power and Faculty reſerved to the ſaid *A. R.* the Father, and conceived in his favours in manner foreſaid; the ſaid Right of Fee is granted and accepted, and no otherways. Likeas be the Acceptation hereof, the ſaid --- *R* the eldeſt Son, and his foreſaids; which failing as ſaid is, ſhall be holden and obliged to pay all the ſaids Debts and Proviſions, and to fulfil all the ſaids Deeds in the ſame manner, as they would be obliged thereto, did they ſucceed to the ſaids Lands and Teinds as Heir to the ſaid *A. R.* the Father, in manner foreſaid. And furder, it ſhall be leſume and lawful to, and in the Power of the ſaid *A. R.* the Father, at any time in his lifetime, *etiamque in Lecto ægretudinis*, (if to him it ſhall ſeem ſo expedient) to Redeem, Looſe and Outquit the ſaids Lands, Teinds and others foreſaids, from his ſaid eldeſt Son and Heirs-male of his ſaid Body; which failling from the other perſons contained in the ſaid Tailzie and Subſtitution, and their foreſaids; be real payment making to them, of one ſingle Angel of Gold, or ten Merks *Scots* Money, as the value and price thereof, upon lawful Premonition of twenty four hours of, before to be made be him, to them for that effect; perſonally, or at the ſaid *A.* the Father, his own Dwelling-houſe for the time, (as place hereby appointed for that Effect) in preſence of a Nottar and Witneſſes as effeirs: and the place of payment to be within --- betwixt the hours of ten and twelve in the Forenoon; and in caſe of their abſence, or willful refuſal of the ſaid ſingle Angel of Gold, or value thereof aforeſaid, (Premonition being lawfullie made to them as ſaid is, and without neceſſity of any Premonition to be made to their Tutors and Curators, albeit Minors for the time as being hereby Diſpenſed with) the ſame to be Conſigned in the hands of any one of the Baillies, Dean of Gild, or Theſaurer of ---, or of any Reſponſal Gentleman within the Shire of *P.* to be furthcoming to the ſaid --- R. his eldeſt Son, and *H*eirs-male of his Body; which failing as ſaid is, upon the peril of the Conſigner, and the ſaid ſingle A. of Gold, or value thereof in Money in manner foreſaid, being ſo payed, or lawfully Conſigned as ſaid is: the ſaids Lands, Teinds and others above-diſponed, with the Pertinents, to be holden as lawfully Redeemed, Looſed, Outquit be the ſaid A. R. the Father, from them and their foreſaids in all time thereafter. And which Proviſion, and Condition of Reverſion, and Power and Faculty above-ſpecified, reſerved to the ſaid A. R. the Father, and conceived in his favours, (for uſing of the ſaid Order of Redemption) is hereby declared (and be the ſaid Reſignation and Infeftments be it ſo Declared) to be as Valide and ſufficient, and of as great Force, Strength and Effect, to all Intents and Purpoſes, as if a particular Letter of Reverſion were duely and lawfully made, Sealed, Subſcribed and Delivered be the forenamed perſons to the Effect foreſaid, and Regiſtrat a part with all Solemnities requiſite, conform to the Act of Parliament albeit not ſo done, whereanent alſo Diſpenſes for ever, and that without any neceſſity of Declarator to follow thereupon; only in the caſe the ſaid Order be uſed, and thereby Redemption made; and the ſaid *A.* the Father, Diſpoſe otherways of the ſaids Lands and Teinds, they are not to be lyable in payment of his ſaid Debts, or fullfilling of any of his Deeds: and upon the which Proviſion and Condition of Reverſion, Power and Faculty aforeſaid, for uſing of the ſaid Order of Redemption; the foreſaid Right of Fee is taken by the ſaid A. in the perſon of his ſaid eldeſt Son and Heirs-male of his Body; which failing as ſaid is, and no otherways; Acts, Inſtruments and Documents one or more as need beis in the Premiſſes, to Ask and Raiſe; and generally all and ſundry other things thereanent, to do, Uſe and Exerce, ſicklike, and as freely in all Reſpects, as I might do therein my ſelf, if I were perſonally preſent, promiſing to hold Firm and Stable, *&c.*

And

And which Infeftments and either of them ſhall bear, and contain, this expreſs Clauſe of Warrandice following: *Likeas* (now as if the ſaids Infeftments were already made and paſt, and then as now) I faithfully Bind and Oblige me, my Heirs and Succeſſors, to Warrand, Acquit and Defend the foreſaid Right and Diſpoſition, Reſignation and Infeftments to follow thereupon, and Lands above-written, with the pertinents therein contained, to be ſufficient free ſafe and ſure to the ſaid A. R. and to his eldeſt Son and his foreſaids, whilks failzieing as ſaid is (with and under the expreſs Reſervations, Proviſions, Conditions, Declarations, Power and Faculty above-mentioned, conceived in favours of the ſaid A. R. and no otherways) frae all and ſundry Wards, Reliefs, Nonentries, Marriages, Eſcheats, Liferents, Forefaultures, Inhibitions, Interdictions, Appryſings, Adjudications, Recognitions, Diſclamations, Purpreſtures, Coniunct-fees, Liferents, Ladies Terces, Reductions of Infeftments, Services and Retours, Annualrents, former Alienations, privat and publick Infeftments, and all other Perils, Burdens, Dangers and Inconveniences whatſomever alswell not named as named, bygone preſent as to come, whilks may any ways ſtop trouble, or impede the ſaid A. R. and his ſaid Son and his foreſaids, whilks failzieing as ſaid is, in the peaceable Poſſeſſion of the ſaids Lands and others foreſaids in anie time coming, at all hands and againſt all deadly, and to warrand, acquite and defend the foreſaid Right and Diſpoſition of the ſaid Teinds from my own and my Father and Grand-Father, proper Facts and Deeds done or to be done, in prejudice hereof allanerly, and for their farder Security thereanent, I oblige me and my foreſaids to purge and clear theſaids lands of all real Incumbrances that ſhall be found to burden and affect the ſame by Regiſters or otherways, and that either by Diſcharges, or Renunciations thereof, or Conſents in Write to this preſent Right from the perſons havers of the ſaids Burdens and Incumberances; and in like manner I hereby aſſign, transfer and diſpone in favours of the ſaid A. R. and his eldeſt Son and his foreſaids, whilks failzieing as ſaid is, in Liferent and Fee reſpective (but with and under the expreſs Reſervation, Proviſions, Conditions Declarations, Reverſion, Power and Faculty above-menrioned, conceived in favours of the ſaid A. R. the Father and no otherways) all and ſundrie Contracts, Diſpoſitions, Charters, Infeftments, procuratories, and Inſtruments of Reſignation, Clauſes of Warrandice, Precepts and Inſtruments of Seaſin, Services, Retours, Precepts thereon, & Seaſings on the ſaids Precepts, Appryſings, Adjudications, Allowances and Approbations written on the back thereof, Grounds and Warrands of the ſame, Sums of Mony therein contained, and thereby due of the Law Infeftments following or competent to follow thereupon, & al other Writs, Evidents, Rights, Titles & Securities (o whatſomever Dates, Tenors or Contents, Nature or Quality the ſame be of] made and granted by whatſomever perſon or perſons to me my Predeceſſors, Cedents and Authors, or led, deduced or obtained at our, or either of our Inſtances, or anie ways introduced and conceived in our or either of our favour, of upon or concerning the ſaids lands Teinds & other above-diſponed with the pertinents (in ſo far as may be extended thereto allanerly, but no ways as to anie other lands or Teinds that may be contained in the ſaid Right and not hereby particularly diſponed,] and all Action Purſuits and Inſtance competent, or that may be competent to me or my foreſaids thereupon, with all that has followed or may follow on the ſame, and I have ſurrogat and by thir preſents ſurrogats, and ſubſtitute them (in the Terms foreſaid, and in ſo far as may be extended as ſaid is,) in my full Right vice and place of the premiſſes for now and ever, and likeways I hereby make, conſtitute and ordain them (in Liferent and Fee reſpective and with and under the ſame Reſervation, Proviſions, Conditions, Declarations, Reverſion, Power and Faculty above-mentioned, conceived in favours of the ſaid A. R. the Father as ſaid is) my indoubted Ceſſioners and Aſſigneys, in and to the haill Maills Farms, Cains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands, Teinds and others above-diſponed, with the Pertinents of the Crop and year of God 16 [illegible] years, (and haill Terms thereof) and yearly and termly thereafter, in all time coming, and all Action competent thereupon for now and ever, with full power to them, (in Liferent and Fee reſpective and in the Terms aforeſaid) to intromet with, uplift, ask, crave and receive the foreſaids Mails, Farms, Cains, Cuſtoms, Caſualities, Profits, Duties, and others above-aſigned,

and to uſe and diſpoſe thereupon at pleaſure, and to call and purſue therefore, before whatſomever Judge or Judges competent, and to ſet and raiſe Tennants, uſe *W*arning, proſecute Removing, Decreets in the Premiſſes to obtain and recover, and the ſame to due Execution cauſe be put, and to do what elſe I might do therein my ſelf before the granting of thir preſents, and I bind and oblige me and my foreſaids to warrand the foreſaid Aſſignation and Right to the ſaids *W*rits and Evidents of the ſaids *L*ands at all hands, and the Right of the ſaids Teinds frae my own Father and Grand-father, our Facts and Deeds as ſaid is, and in caſe any Defect be found in the ſaid Progreſs, to make up the ſame ſufficently at the Sight and by the Advice of *L*awers, as alſo to warrand the ſaid Diſpoſition and Aſſignation to the ſaids Mails and Duties from my own proper Fact and Deed allanerly done or to be done in prejudice thereof: and ſicklike I oblige me and my foreſaids towarrand and relieve them of all Ceſſes, Taxations and other Impõſitions, Miniſters & School-maſters Stipends, Reparation of Kirks and Kirk-yeard-dykes, and Feu-duties, Blanſh-duties and other Duties (if any be) due and payable to King, Kirk, or other perſon or perſons, (furth of the ſaids Lands and Teinds,) and that of all years and Terms preceeding the Term of —— (being the Term of their Entry) *incluſivé*, at all hands having Claiming or pretending to have Intereſt thereto, and to make the Diſcharges thereof furth-coming to them when requiſite and required, and if through want thereof they be diſtreſſed and forced to make payment, to reimburſe them therein *cum omni damno*, they always relieving me and my foreſaids of the like after their ſaid Entry in time coming; and becauſe the ſaids Lands and Teinds may be ceſſed *in cumulo* with my other Eſtate I oblige me and my foreſaids to divide the ſame upon the whole equallie and proportionallie in the Valuation-books of the Shire, effeirand to my other Rent, and that now diſponed, conſenting thir preſents be regiſtrat in the Books of Council and Seſſion, or others competent to have the Strength of an Decreet of the Lords or *J*udges thereof interponed thereto, that Letters of Horning and others neceſſar in Form as effeirs may paſs hereon, and conſtitutes — my Procurators, *&c.* attour to the effect the ſaid A. R. and the ſaid --- R. his eldeſt Son may be lawfullie infeft in the ſaids Lands and others foreſaids, (to be holden *a me* or *de me* as ſaid is, and in Liferent and Fee reſpective) I by thir preſents, make, conſtitute and ordain ---- or any one of you my Baillies in that part ſpecially, conſtitute to the effect after-ſpecified, with power to paſs to the Ground of the ſaids Lands and others foreſaids, and there give Liferent State and Seaſin, and alſe heretable State and Seaſin reſpective, actual real and peaceable Poſſeſſion of the ſaids *L*ands. Parſonage and Viccarage Teinds, Hou'es, Biggings, Yards, Woods, Dovecats, Graſſings, and others particularly and generallie above diſponed, with the Pertinents lying as ſaid is (and all here holden as for expreſt *brevitatis cauſa*) to the ſaid *A. R.* the Father in liferent, and to the ſaid --- R. his eldeſt lawfull Son in Fee, and that by deliverance to them or their Actornie in their name Bearer of thir preſents of Earth and Stone of the ſaids *L*ands, and an handful of Corn for the ſaids Teinds upon the Ground of the ſaids Lands as uſe is, and this on no ways ye leave undone, the whilk to do gives full Power thereanent, by this my Precept of *S*eaſin granted for that effect, (and with and under the expreſs Proviſions, Conditions, Declarations, Reſervations, Power and Facultie above-mentioned and no otherways, (and all here holden as for expreſt *brevitatis cauſa*) In Witneſs whereof I have ſubſcribed thir preſents (written by --- with my hand, at --- the --- day of —— —— years, before thir Witneſſes.

DISPOSITION of an Appryſing whereupon Infeftment followed.

BE it kend to all Men, by thir preſent Letters, me *A, B.* — *Foreſuameikle* as by Decreet and Proceſs of Appryſing led and deduced within the new Seſſion-houſe of *Edinburgh*, before *I. H.* Meſſenger, Judge and Sheriff in that part, and his Colleague upon the --- day of ---- --- years, I obtained lawfullie appryſed to me, my Heirs and Aſſigneys whatſomever heretablie from *W. M.* of --- and his Heirs and Succeſſors, and all others having or pretending to have Intereſt in the matter,

matter, all and ſundry the Lands and others after-ſpecified, with the Pertinents *viz.* [*here inſert the Lands and others In the Appryſing, as they are ſet down in the Denunciation, and where they ly,* and then ſay) for payment and ſatisfaction to me and my foreſaid, of the Sums of Mony, Principal, Annualrents and Expenſes contained in the Decreet of Appryſing, led and deduced thereanent, extending at the Term of --- to the Sum of --- *ſcots* Mony, and that as for the Principal, and of the Sum of --- Mony foreſaid of Sheriff-fee, *ſalvo juſto calculo,* in both the ſaids Sums, and which Appryſing was allowed by the Lords of Council and Seſſion, and by them found orderly proceeded, in manner written on the back thereof upon the --- day of --- (14) likeas conform to the ſaid Appryſing and Charter following thereupon under the great Seal, dated the --- day of --- -- years, I was upon the --- day of --- thereafter lawfully infeft in the ſaids *L*ands and (6) others above-appryſed with the Pertinents, and my Seaſin duely regiſtrat conform to the Act of Parliament, [7) as the ſaid Decreet and Proceſs of Appryſing of the Date foreſaid, and allowed as ſaid is, with the Charter and Seaſin following thereupon, in themſelves more fully proport, (15) *and now ſeing* (8) *W. F.* of --- has inſtantlie made payment to me of an certain Sum of Mony for making and granting of thir preſents whereof I hold me well content ſatisfied and payed, renunce all Exceptions and Objections in the contrair, and diſcharges the ſaid W. *F.* his Heirs, Executors and all others whom it effeirs of the ſame) for now and ever : Therefore wit ye me(as having Right in manner foreſaid) to have ſold, Annalzied and diſponed, likeas I by thir preſents Sell, Annalzie and *D*iſpone to the ſaid W. F. his Heirs and Aſſigneys whatſoever heretablie, (under Reverſion conform to the Act of Parliament,) all and ſundry the Lands and others above and after-ſpecified, *viz.* (*here inſert the Lands and others appryſed* ut ſupra, but if there be Tenements or the like with long Boundings ye may abreviat the ſame by omitting the ſaid Bounding, and in place thereof add, bounded in manner above-expreſt, and here holden as fore-expreſt *brevitatis cauſa,* and then ſay) with all Right, Title and Intereſt I have or pretend thereto in time coming (16) and I bind and oblige me my Heirs and Succeſſors duelie & ſufficientlie to infeft & ſeale the ſaid W. F. & his foreſaids heretablie therein, under reverſion as ſaid is & that (9) by double Infeftment & manner of Holdings, the one thereof to be holden of me & my foreſaids in free Blanſh for payment of an pennie *ſcots* Monie, upon the ground of the ſaids Lands at the Feaſt of W. yearlie, in name of Blanſh-farm if it be asked allanerlie, and the other of the ſaids Infeftments to be holden frae me and my foreſaids, of my immediat lawful Superior thereof, ſicklike and alſe freelie in all reſpects as I hold or may hold the ſame my ſelf, and that by Reſignation or Confirmation in their option, (and the one but prejudice of the other) and to grant all Rights and Securities requiſit thereanent, (with Warrandice always in manner under-written and all being done and expede on their own Charges, Moyen and Expenſes) and for the better obtaining of the foreſaid Infeftment by Reſignation, (but prejudice of the other Infeftment above-written) I by thir preſents make conſtitute and ordain --- or anie one of them conjunctlie and ſeverallie my verie lawful indoubted and irrevocable Procurators to the effect after ſpecified, giving, granting, and committing to them conjunctlie and ſeverallie as ſaid is, my verie full, free, plain Power, expreſs Bidding, Mandat and Charge for me in my name and upon my Behalf, to compear before (10) my lawful Superiors of the ſaids *L*ands and others (11) above-appryſed and diſponed with the Pertinents lying as ſaid is, or their Commiſſioners in their names, having their Power to receive Reſignations, and thereupon to grant new Infeftments in manner foreſaid, and that anie day and place lawful and convenient, and there with all due Humilitie and condign Reverence as becomes purelie and ſimplie by Staff and *B*aſton as uſe is, to reſign ſurrender, overgive and deliver, likeas I by thir preſents reſign, ſurrender, overgive and deliver all and ſundrie (12) the foreſaids Towns, Lands, Milns, Miln-lands, Teinds, Fiſhings, and others particularlie and generallie above-ſpecified with the Pertinents lying as ſaid is, (and all here holden as for-expreſt *brevitatis cauſa*) together with the Teinds, Parſonage and Viccarage thereof, and all *R*ight I have or can pretend thereto, in manner foreſaid, in the hands of my ſaids Superiors or their Commiſſioners abovementioned, in favours and for new Infeftment of the ſame to be made and granted to the ſaid W. F. and his foreſaids heretablie, (under reverſion in manner above-

expreſt] to be holden of the ſaids Superiors in ſuch due and competent Form, as accords, Acts, Inſtruments and Documents, *&c. (inſert the common Stile, and then ſay)* and for the ſaid W. F. and his foreſaids their farder Securitie thereanent, I by thir preſents aſsign, transfer and diſpone in their favours the foreſaid Decreet and Proceſs of Appryſing, Allowance and Approbation written on the back thereof, Grounds and Warrands whereupon the ſame proceeded (17) Charter and Seaſin following on the ſaid Appryſing, and haill Execution and Diligence that on the ſaid Appryſing and Ground thereof have enſued, and Sums of Monie therein contained, and thereby due of the Law, with the haill Charges and Expenſes payed out and deburſed in leading and deducing of the ſaid Appryſing, paſsing Infeftment thereupon, or otherways in proſecution of the Right thereof, together with the Annuals of all the ſaids Sums, (or in their option, the Mails and Duties of the ſaids Lands and others foreſaids) ſince the leading and deducing of the ſaid Appryſing, and in time coming during the not redemption, and all Action competent thereupon for ever; with full power to the ſaid W. F. and his foreſaids 18 to intromet with, uplift, ask, crave and receive the foreſaids Sums of Monie above aſsigned transferred & diſponed with the Annuals thereof, (or in their option, the Mails and Duties of the ſaids Lands and others above-appryſed and diſponed with the Pertinents) bygone ſince the leading of the ſaid Appryſing, and in time coming during the not redemption, and to charge and purſue therefore, and for Exhibition, Production, Delivering, Implement and Fullfiling to them of the Writs and Evidents of the ſaids Lands, Teinds and others foreſaids, and that before anie Judge or Judges competent, ſet and raiſe Tennants, uſe Warning, proſecute Removing Decreets in the Premiſſes to obtain and recover, and the ſame to due and lawful Execution cauſe be put, compone, tranſact and agree thereanent, and upon payments, Acquitances, Diſcharges, Renunciations and Grants of Redemption, to make, grant, ſubſcribe and deliver, whilks ſhall be ſufficient to the Receivers, and to do what elſe I might do therein my ſelf before the granting of thir preſents: and I bind and oblige me and my foreſaids to warrand the ſaid Right and Diſpoſition, Reſignations and Infeftments to follow thereupon, Lands and others therein contained and Sums of Monie above-aſsigned to the ſaid W. F. and his foreſaids from my own proper Fact and Deed allanerlie, that is to ſay, that I have not made nor ſhall not make anie other Diſpoſition or Right, or yet diſcharge or Renunciation of the Premiſſes to no other perſon or perſons in prejudice hereof, at no time bygone or to come, likeas I have inſtantlie delivered to the ſaid *W. F.* the foreſaid Decreet of Appryſing, with the haill Grounds and warrands thereof, and Charters and Seaſin following thereupon, to be keeped and uſed by him and his foreſaids, as their own proper Evidents, at their pleaſure in time coming, after this inſerta Clauſe of Regiſtration and Precept of Seaſin according to the common Stile, onlie before, in witneſs whereof, add theſe words redeemable always and under Reverſion in manner above-expreſt, and then conclude with in witneſs whereof, I have ſubſcribed thir preſents, (written by --) with my hand at — the — day of -- -- years, before thir witneſſes

Nota, *At Times Subjects are Superiors and not the King, and at other times the King is Superior of a part of the Lands and a Subject Superior of ſome other Lands, and at other times there be Tenements and Lands within Burgh which alſo hold of the King* in libero Burgagio, *whereof the Magiſtrats of the* Burgh *give Seaſin, and the Town Clerk Nottar thereto, and I ſhall ſuppoſe all thoſe Caſes to hold for your better Information and how to alter the Stile when the ſame falls out and a Diſpoſition of that nature occurs, and therefore leave out in the narrative from the figure (6 to the figure 7 and in place thereof conceive the ſtile after the figure 6 thus of -- (meaning the* Lands holden of *His Majeſty not* Burgage) *and by vertue of an other* Charter *granted to me by I. D. of as Superior of the ſaids* Lands *of with the Pertinents, dated the ſaid Charter the day of years, I was upon the day of lawfully infeft therein and upon the day of years, I was lawfully infeft by the Magiſtrats of the ſaid* Burgh *of in the ſaids Tenements of Land and others foreſaids lying within the ſaid* Burgh; *and my reſpective Seaſins duly regiſtrat conform to the Act of Parliament, as the ſaid Decreet of Appryſing of the Date foreſaid, (duely allowed as ſaid*

is

is, and Charters and Seasins following thereupon, in themselves more fully proport and now seing (*here follow furth the former Draught or* Stile *from the* 8 *figure till ye come to the figure* (9 *and then say*) *and that in manner following,* viz. *in the saids Tenements and others above appryſed with the Pertinents lying within the said* Burgh *of* (*and holden of His Maiesty* in libero Burgagio *as said is*) *by Reſignation in the Magiſtats of the said* Burgh *their hand, in manner under written, and in the haill remanent lands and others above appryſed, with the pertinents lying in manner foreſaid,* (*now begin where ye laſt left figure* (9) *and continue the former* Stile *untill ye come to the figure* 10 *and then ſay the Provoſt or any one of the Baillies of the ſaid* Burgh *of ... preſent or to come* [*as before His Sacred Maieſty or royal Succeſſors lawfull Superiors of the ſaids* Tenements, Buiths, Yard *and others lying within the ſaid Burgh of ...*] *and alſe before my lawful Superiors of the ſaids other lands and others* (*begin now at the* Stile *figure* (11) *and continue until ye come to the figure* (12) *and then ſay*) *the foreſaids* Tenements Buiths, Yards *and others with the pertinents lying within the ſaid* Burgh *of and bounded in manner above expreſt in the hands of the ſaid* Provoſt *or anie one of the ſaids* Baillies *of the ſaid* Burgh *of ... preſent or to come,* [*as in the hands of His Majeſty and royal Succeſſors Superiors thereof*] *and ſicklike reſign, ſurrender, overgive and deliver, likeas I by thir preſents reſign, ſurrender, overgive and deliver all and ſundry, the foreſaids other go back now to the figure* 12 *and then continue* uſque ad finem, *only obſerve that whereas the* Stile *of the former Diſpoſition bears in the* Aſſignation *to the* Apprysing, Charters *and* Seaſins *following thereupon, ye muſt in this ſay*] *in the plural number* Charters *and* Seasins *as alſo in the delivery of the Writs, let the ſame words be uſed in the plural number, and in the Precept of* Seasin *omit the* Burgage Lands, *becauſe theſe muſt only go by* Reſignation, *and not by double Infeftments as the other lands paſs.*

The next Caſe to be ſuppoſed, is, that the Appryſer was not infeft, and how far that differs from the former Diſpoſition in Stile, *and it is thus, ye muſt leave out from the figure* 14 *to the* 15 *figure, and at the* 15 *begin again, and writ untill ye come to the* (16) *figure, and then paſs all till ye come to the* 17 *figure, and after that omit* Charter *and* Seaſin *following thereupon* (*for as the Caſe is now ſuppoſed, there was none*) *and after that follow furth the former* Stile *till ye come to the* 18 *figure and then add theſe words to obtain themſelves infeft in the Lands and others above-appryſed with the* Pertinents *as accords of the* Law, *and then ſay, and to intromet with* (*as in the former* Stile uſque ad finem, *but with the former Alterations and no Precept of Seaſin at all, for the Gentleman who acquires the Right of the Appryſing muſt be infeft, the way and manner ſet down in the former* Stiles *whether holden of the King* (being Field-land) *and ſo* per modum Signaturæ, *or of the King* in libero burgagio *as to Tenements,* &c. *and ſo by the Magiſtrats of the Burgh, or holden of other* Superiors, *and ſo by Charter containing Precept of Seaſin, and whereupon Seaſin follows, and ſo much as to thoſe* Points.

As for Lands that fall in the Kings hands by Recognition, Forfaulture, or ultimus Hæres, *when Diſponed to perſons* (*who are called Donators*) *and they Infeft accordingly, whether by Signature expede the Seals, if the Lands hold of the King,* (*as they muſt if fallen by Recognition*) *and likeways ſo muſt the Lands that fall by Forefaulture, or* ultimus Hæres *in the Kings hands, if holden of his Majeſty* in capite, (*and not of a Subject.*) *For if of a Subject, they* (*I mean that of* ultimus Hæres *and Baſtardy*) *paſs by Signature, and under the Quarter Seal, as has been formerly obſerved. But whether the one way or the other, if the Donators be once Infeft, they may Diſpone as heretable Proprietars,* (*in the ordinar way of Diſpoſitions*) *with an Obligement to Infeft by double Infeftments*

(except that of Ward-Lands, which would only go by Reſignation *as has been ſaid, and that holden Burgage alſo) Procuratory of Reſignation, Aſſignation to the Writs and Evidents, and particularly to the Diſponers Title, (whether as having* Right *by* Recognition, *Forefaulture, or* ultimus Hæres *) and then an Aſſignation to the Mails and Duties, Rights of the Teinds ; and the words* With full power, *would bear expreſly, to call for Exhibition, Production, Delivery, Implement and fullfilling of the Writs and Evidents, and the Clauſe of Warrandice conceived, as agreed upon 'twixt the Parties. And in the laſt place, the Clauſe of* Regiſtration *and Precept of Seaſin follows, omitting Ward-Lands, (whether ſimple or Taxt, and Burgage Lands if any be) for thoſe ſhould only paſs by* Reſignation, *as has been frequently enjoyned.*

Next *thing I propoſe, is a Conveyance by Diſpoſition of Lands adjudged, upon the late Act of* Parliament *in place of Compriſings, and whereupon Infeftment followed ; but curtly in the Draught, becauſe of the former Diſpoſition of an Appriſing, whereupon Infeftment followed, and to which it has relation* mutatis mutandis.

DISPOSITION *of an Adjudication of Lands,* &c. *in place of Appryſings, and whereupon Infefiment followed.*

BE it kend till all men by thir preſent Letters, me *A. B.* of ---, Foraſmuch as I obtained a Decreet of Adjudication at my Inſtance, before the Lords of Council and Seſſion, upon the --- day of ---, --- years, (conform to, and in the terms of the late Act of Parliament, made anent *Adjudications in place of Appryſings*) againſt *C. D.* of ---, and Superiors therein mentioned for their Intereſt, Adjudging, Decerning and Declaring, (*Here inſert all the* Lands, *Teinds, with the Rights of the Writs and Evidents thereof, and all* Reverſions Legal *and Conventional,* &c. *in the very terms of the* Decernitor : *and if the* Decernitor *be only general, referring what Adjudged to the Summonds, as above narrated, then take in as above ; and then the general Clauſe with the Writs,* &c. Reverſions, &c. *as in the* Decernitor, *and then ſay*) to pertain and belong to me, my Heirs and Aſſigneys whatſoever heretably, for payment and ſatisfaction to me and my foreſaids, of the Sums of Money, Principal, Annualrents and Expenſes contained in the ſaid Decreet of Adjudication, extending at ---, to the Sum of --- *Scots* money. And if any more be added in the Decreet, (as Annualrent of the ſaid accumulat Sum ſinceſyne, and in time coming during the not Redemption, attour the Compoſition to the Superiors, and Expenſes of the Infeftments, (as moſt Decreets do) *let it be inſert alſo, and then ſay*) and the ſaids Lords ordained me and my foreſaids, to be heretably Infeft and Seaſed in the ſaids Lands and others above Adjudged, with the Pertinents ; to be holden of the Superiors therein named, and in manner therein expreſt, and under Reverſion as therein rehearſed. And which Decreet of Adjudication, was duely allowed by the ſaids Lords the --- day of ---, and conform whereunto, and Charter following thereupon under the *Great Seal*, dated the --- day of ---, --- years. I was upon the --- day of ---, lawfully Infeft in the ſaids Lands, and others above Adjudged, with the Pertinents, and my Seaſin duely Regiſtrat, as the ſaid Decreet of Adjudication duely allowed as ſaid is, Charter and Seaſin following thereupon, in themſelves more fully proport. *And now ſeing (here follow forth the Stile of the former Diſpoſition of an Appryſing, whereupon Infefiment followed,* uſque ad finem ; *only with this Alteration, that wherever the word* Appryſed *is mentioned, make it* Adjudication, *or* above Adjudged, *and the like ; as Congruity in Verb,* Declination *or Conſtruction will eaſily lead you.*

Nota, *If there be* Lands *holden of other Superiors, (as well as of the King) or* Lands *within Burgh that hold of the King, as well as there be other* Lands *in the Country that hold of his Majeſty, (yea Lands, Tenements, and others holden all theſe ways) or whether the Adjudger be Infeft or not ; and if Infeft, ye have a* Rule *ſet down ; and if not Infeft, ye have the like ſet down ; and I remit you to the reſpective Caſes and Draughts of a Diſpoſition conform, and as they occur.*

There

There is another kind of Adjudication, and that is when an apparent Heir is purſued for his Predeceſſors Debt; and finding the ſubject Matter will not pay the Debt, the Heir Renounces; *and upon this, is Aſſoilzied from the Purſuit, but Decerned againſt* Cognitionis Cauſa, *and thereupon Adjudication follows: and in the Summonds of Adjudication, the Superiors (if Subjects) are conveened: And if the King be Superior, the Miniſters of State are conveened therein for his Majeſties Intereſt: and whether Infeftment follow or not, I need ſet down no Stile of the Diſpoſition, for it differs in nothing from what has been ſaid, in the Draught immediatly preceeding of the former* Adjudication; *I mean as to the diſpoſitive part, Obligement to Infeft in all the Caſes, (ſhould there be* Lands *holden of the King, and other Superiors, and ſome Burgage alſo) Procuratory of* Reſignation, Aſſignation *to the* Adjudication, &c. *Mails and Duties, or Annualrents from the date of the* Adjudication, *and during the not* Redemption. *The words* With full power, *and what after follows,* Regiſtration, Precept *of Seaſine and all.* Only ye muſt notice, when the Lands only hold of the King, (being Field-land) or if Burgage, or if of other Superiors [redacted]; and walk ſuteably according to the former Injunctions. *And in the laſt place, conſider that the Narrative of this Diſpoſition of an* Adjudication, *againſt an apparent Heir, (*Renuncing*) differs from the former* Adjudication *upon the Act of Parliament: and therefore I have ſet down the Narrative (but curtly) in this place; what formerly enjoyned being ſufficient to convey the* Right: *after* And now ſeing, *being the Subſumption of the Draught, and immediatly after the Narrative.*

DISPOSITION *of an* Adjudication, *againſt an apparent Heir,* Renuncing *of* Lands *holden of the King, and other Superiors, and partly of the King Burgage.*

BE it kend till all Men be thir preſent Letters, me A. B. of ---, Forſomuch as the deceaſt C. D. of —, by his Bond dated the --- day of ---, --- years, (for the Cauſes therein ſpecified) Bound and Obliged him, his Heirs, Executors, Succeſſors to him in his Lands and Heretages, and Intrometters with his Goods and Gear whatſoever; to have contented and payed to me, my Heirs, Executors and Aſſigneys, the Sum of --- *Scots* money of Principal, with the Annualrent thereof, from --- to the Term of payment under-written, and that betwixt and the Term of --- then next, but longer delay; with the Sum of --- Money foreſaid of liquidat Expenſes in caſe of failzie, together with the ordinar Annualrent of the ſaid Principal Sum, conform to the Act of Parliament; and that yearly, Termly and continually during the not payment thereof, after the ſaid Term, as the ſaid Obligation of the date foreſaid (*if Regiſtrat inſert the ſame*) in it ſelf more fully proports. Whereupon I raiſed Summonds, and intented Action at my Inſtance, before the Lords of Council and Seſſion, againſt *W. D.* eldeſt lawful Son to the ſaid C. D. of ---, as lawfully Charged to enter Heir to him; and upon the remanent paſſive Titles, and againſt his Tutors and Curators for their Intereſt, for payment to me of the foreſaids Sums, contained in the ſaid Bond. And which Summonds being duely Execute, and oft and diverſe times called in preſence of the ſaids Lords: and laſt of all upon the --- day of ---, --- years; and I Compearing by ... my Advocat as Procurator for me; who, for Inſtructing of the ſaid Debt produced in preſence of the ſaids Lords, the ſaid Bond founded upon, and thereafter declared that he Inſiſted againſt the ſaid W. D. as lawfully Charged to enter Heir to his ſaid deceaſt Father, and his ſaids Tutors and Curators for their Intereſt, and paſt from the other paſſive Titles *pro loco & tempore*; and for Inſtructing of the ſaid paſſive Title inſiſted upon, produced the Letters of General Charge to enter Heir, raiſed at my Inſtance againſt the ſaid W. D. with the Executions thereof; bearing him and his ſaids Tutors and Curators to have been lawfully Charged by a Meſſenger at Arms, to have Entered him Heir to his ſaid deceaſt Father, in manner, within the ſpace, to the Effect, and with Certification ſpecified in the ſaids Letters and Executions, and thereafter craved Sentence conform to his ſaid Summonds and deſire thereof. And the ſaid W. D. and his ſaids Tutors and Curators, Compearing by --- Advocat as Procurator for them, craved a day to Renounce; and that the ſaid

W. D. might be Assoilzied from the said Pursuite. All which being taken by the saids Lords to Consideration, they Assigned to the Defenders and their said Procurator, a certain day to Renounce as said is, as an Act made thereupon bears. And the said day being elapsed, and the said Act called, the Defenders produced the said Renounciation dated --- day of ---, whereby the said W. D. and his saids Tutors and Curators, Renounced his being Heir to his said Father, in manner more fully therein expresst. Which being Considered by the saids Lords, they by their Decreet, dated the --- day of ---, --- years, Assoilzied the said W. D. from the said Summonds and desire thereof, and the passive Title insisted upon; and his saids Tutors and Curators for their Interests: and yet notwithstanding thereof, Decerned against him and them, *Cognitionis causa tantum, & contra hæreditatem jacentem & bona mobilia*, and other Goods and Gear belonging to the Defunct, to the effect Adjudication might follow thereupon, in manner more fully specified in the said Decreet *Cognitionis causa*, as the same in it self also more fully is contained: Whereupon I raised Summonds, and intended Action of Adjudication at my Instance, before the saids Lords against the said W. D. (as he who was lawfully Charged to enter Heir, and yet Renounced to be Heir to his said deceast Father as said is.) And his saids Tutors and Curators for their Interest, and the Ministers of State for his Majesties Interest, as Superior of a part of the Lands to be Adjudged, and also against the Superiors of some of the other Lands, and the Magistrats of --- as to some of the Lands holden Burgage; and all others having, or pretending to have Interest in the Matter. And which Summonds and Action of Adjudication, being oft and diverse times called in presence of the saids Lords; and last of all upon the --- day of ---, --- years; they by their Decreet, then given and Pronounced be them in the said Matter, Adjudged all and haill the Lands and others after-specified, *viz.* (*Here take in such as hold of the King, and where they ly, with the Teinds if Adjudged, and then say*) and [illegible]s all and haill, the Lands and others after-mentioned, *viz.* (*Here take in the Lands and others holden of the other Superiors, who would be particularly named, and what holden of each of them distinguished, and where they ly with the Teinds if Adjudged, and then say*) and in like manner, all and haill, (*here insert the Tenements, and others lying within the Burgh of --- and their bounding, holden of his Majesty Burgage, and then say*) together with the Writs and Evidents of the saids haill Lands and others foresaids, and Mails and Duties of the same of the Cropt and year ---; and thereafter in time coming, during the not Redemption, with certain Reversions Legal and Conventional therein contained, from the said W. D. as lawfully Charged to enter Heir; and who renounced to be Heir to his said deceast Father as said is: and from his Heirs and Successors, Tutors and Curators, and all others, having or pretending to have Interest to, and in favours of me, my Heirs and Assigneys whatsoever, heretably; and Decerned and Declared the same, to pertain and belong to us thereafter in time coming, for payment to us, (*here insert the Sums as in the Decernitor, and then say*) and ordained us to be heretably Infeft in the saids Lands, and others above Adjudged, by the respective Superiors and Magistrats of the said Burgh under Reversion, conform to the Act of Parliament; and conform to the which Adjudication, and Charter under the *Great Seal*, and Charters granted by the other Superiors, I stand Infeft in what holden of them; and likeways am Infeft by the Magistrats of the said Burgh, in the respective Lands, Tenements and others foresaids; and my Seasins duely Regiſtrat, as the said Decreet of Adjudication, Charters and Seasins following thereupon, in themselves more fully proport. *And now seing,* (*after this follow forth the Stile of the Disposition, as formerly enjoyned.*

DISPOSITION of the Annuity of Teinds, by the E. of L. *to* M. W. F, *of K.*

BE it kend to all men by thir present Letters, *W.S. I. E.* of *L, &c.* For-suameikle, as the Annuity which was due and payable to our deceast Soveraign Lord King *CHARLES* the first, of ever blessed Memory, and his Highness Successors, furth of the Teinds within the Kingdom of *Scotland*,

was

was lawfully eſtabliſhed in his Majeſties Perſon, by an Act of his Highneſs Parliament, holden at *Edinburgh* in the Month of *June*, 1633. *Cap.* 15. with expreſs Condition and Declaration; Likeas, our ſaid deceaſt Soveraign Lord in the ſaid Parliament declared, that his Majeſty (for the good and eaſe of his Highneſs Subjects) did take to his Majeſties Conſideration, what he would do with the ſaid Annuity of Teinds, and howſoever his Majeſty ſhall do thereanent, it is Declared by the ſaid Act, that the ſame ſhall be as valid and ſufficient, as it it were particularly expreſſed therein, as the ſaid Act of Parliament at more length bears; Likeas our ſaid deceaſt Soveraign Lord King *Charles* the Firſt, of ever bleſſed Memory, by his Commiſſion under the great and privy Seals, of the Date at *York* the 7 day of *May* 1642 years, gave full Power and Commiſſion to the deceaſt *I. E.* of *L.* our Father, with the Advice and Conſent therein-ſpecified, to Sell, Annalzie, heretably Diſpone and Renunce the foreſaid Annuity, with all Right competent or that might be competent to his Majeſty, or his Highneſs Succeſſors to the ſame, and our ſaid deceaſt Soveraign Lord for himſelf, and his Highneſs Succeſſors, Declared; That the ſaids Diſpoſitions and Renunciations, ſhould be good and valid, and perfect Securities to the Receivers thereof for their Liberation and Exoneration of the ſaid Annuity of all years bygone and to come, as in the foreſaid Commiſſion more fully is contained: Likeas our Soveraign Lord the King's Majeſty, who now Reigns, by his Ratification and new Gift under his Majeſties Royal Hand, of the date at *Whitehal* the 17 of *Auguſt* 1660 years, did Ratifie and Renew the foreſaid Commiſſion granted by his Majeſties deceaſt dear Father: in favours of the ſaid deceaſt *J. E.* of L. our Father, in the haill Heads and Clauſes thereof, as the ſaid Ratification in itſelf more fully is contained, and ſicklike our ſaid Soveraign Lord conſidering, that by the deceaſe of the ſaid *J. E.* of *L.* our Father, the foreſaid Commiſſion granted to him was like to be fruſtrated and diſappointed, and his Majeſty conceiving neceſſar for the good and furderance of his Majeſties Service, that his Highneſs of new freely granted and committed to us the ſaid *J. E.* of *L.* the Power and Commiſſion after ſpecified; Therefore our ſaid Soveraign Lord (who now Reigns) by his Commiſſion under his Royal Hand, paſt in Exchequer, and exped under his Highneſs Great Seal, of the date at *Whitehall* the 12 day of *May* 1671 years, of new freely granted and comitted full Power & Commiſſion to us the ſaid *J. E.* of *L.* (with Advice and Conſent of his Majeſties Commiſſioners of Exchequer for the time being, or any two of them) to Sell, Annalzie and Diſpone heretably the foreſaid Annuity of Teinds to his Majeſties Subjects, their Heirs and Aſſigneys, and alſo to make grant and ſubſcribe and Deliver Diſpoſitions and Renunciations to the Buyers thereof, which Diſpoſitions and Renunciations, his Majeſty by the foreſaid Commiſſion, for him and his Highneſs Succeſſors, Declares to be good, Valid and ſufficient Securities to the Receivers thereof, their Heirs and Succeſſors for their full Liberation and Exoneration of the foreſaid Annuity of Teinds, to be bought by them as ſaid is, and that for all years bygone, and yearly in time coming for ever, as the ſaid Commiſſion at more length Bears: And now ſeing I (with Advice and conſent of the Commiſſioners of His Majeſties Exchequer) have ſettled and agreed with Mr. *W. F.* of *K.* for the Sum of ---*Scots* Money, for the Annuity due and payable to our ſaid Soveraign Lord, or to his Majeſties ſaid umquhil Father, furth of the Teinds of the Lands under-writen, for all years bygone, and alſo for the heretable Right of the ſame, of the whilk Sum I grant the Receipt and holds me well content, ſatisfied and payed, and Exoners and Diſcharges the ſaid *M. W. F.* of *K.* and his Heirs and Executors, and all others whom it effeirs of the ſame (renuncing all Exceptions in the contrair) for now and ever. *Therefore* wit ye me (with Advice and Conſent of the Commiſſioners of his Ma-

jeſties Exchequer under-ſubſcribing) to have Sold, Annalzied, Diſponed and Renunced; Likeas I by the Tenor hereof, (with Conſent foreſaid) Sell, Annalzie, Diſpone and Renunce to the ſaid M. W. *F.* and his Heirs and Aſſigneys whatſoever heretably, *all and ſundry* the Annuities which were and are addebted, due and payable to our ſaid Soveraign Lord (who now Reigns) and to his Majeſties ſaid umquhil Father (of ever glorious Memory) and their Succeſſors in any manner of way, furth of the Teinds of the Lands after-ſpecified (the Milns thereon or belonging thereto, if any be, being always excepted) *viz.* of the Lands of *K.* the Teinds of *D.* the Lands of *C.* and *W.* and Pertinents, with the ſaid Mr. W. *F.* his Salmond-Fiſhing, on the freſh water of *F.* with the Pertinents, all lying within the Parochin of *D.* and Sheriffdom of E. and that as well of all years bygone, as of all years hereafter to come for-ever: And ſicklike I (with Advice and Conſent foreſaid) Renunce, Diſcharge, and ſimply Over-give, to and in favours of the ſaid M. *W. F.* and his foreſaids, all Right, Title, Intereſt and Claim of Right whatſoever, which his Majeſty and his Highneſs ſaid umquhil dear Father, or either of them, and their Succeſſors, had, have, or any ways may have, claim, or pretend to the Annuity of the Teinds of the Lands above-written, or any part thereof, for any years or Terms bygone, or hereafter to come for ever, with all Action, Purſuite and Execution competent, or that any ways may be competent to his Majeſty, or Royal Father, or his Highneſs Succeſſors thereanent; Declaring, that the ſaid Mr. *W. F.* his Heirs, Executors and Succeſſors whatſoever, ſhall be free of the whole Annuity of the Teinds of the Lands above-written, and that he and his foreſaids ſhall bruik and enjoy the ſaids Teinds freely, but payment of any Annuity therefore, perpetually hereafter in all time coming, without any Revocation, Contradiction, Impedement, or again-calling whatſoever. And for the more Security, we are content, and conſent thir preſents be inſert and Regiſtrat in the Books of Exchequer, therein to remain *ad futuram rei memoriam.* And conſtitutes —— our Procurators, in witnes whereof, we and two of the Lords Commiſſioners of Exchequer) have ſubſcribed thir preſents, (written by —— with our hands at *Edinburgh*, the 12 *May* 1673 years, before thir Witneſſes —— and my Lord and two of the Commiſſioners ſubſcribed, and Regiſtrat in the books of Exchequer 19 *June* thereafter, under Sir *Archibald Primroſe* Clerk-Regiſter his Hand.

Nota, *My Lord* L. *had his Commiſſion and Power to diſpoſe of the Annuities, for payment of a Debt reſting by his Majeſty to his Lordſhip, and that his Lordſhip might not favour one perſon by another, but ſell the Annuities at an adequat value: And likeways that it might be known when really and truely payed by his Intromiſſions) of what reſting to him by the King, the Conſent of the Commiſſioners of Exchequer, (at leaſt two of them) was abſolutely neceſſar, and without which (and Regiſtration of the Diſpoſitions in the Books of Exchequer,* ad hunc effectum) *the Diſpoſition was not valid.*

Diſpoſition

DISPOSITION by a Gentleman to another, of certain Lands, Baronies, and others, in Real Warrandice, of other Lands formerly Diſponed Heretably and Irredeemably, by a particular Right narrated in this, which limites the Real Warrandice to a time prefixed, and to Prescribe upon performance of certain Deeds aftermentioned, but when done, the Abſolute Warrandice in the firſt Right ſtill ſtands.

BE *it kend* to all Men, by thir preſent Letters, Me S. P. *O.* of *B.* Heretable Proprietar of the Lands, Barony, and others after-ſpecified, with the Pertinents, Diſponed by me in Real Warrandince of the other Lands, and others after-mentioned, formerly and principally Diſponed by me, in manner after-expreſt. *Forſameikle*, as I (with conſent of —— my eldeſt lawful Son, and both of us with one conſent and aſſent) by our Right and Diſpoſition, of the date the —— day of —— —— years, (for the onerous Cauſes therein-ſpecified,) Sold, Annailzied and Diſponed to W. D. of *K.* lawful Brother to S. *R. D.* of *G.* and *J. B.* his Spouſe, the longeſt Liver of them two in Conjunct-fee and Liferent, (according to the Diviſion and Deſtination after-ſpecified,) & to the Heirs-Male Procreat or to be Procreat betwixt them; whilks failzieing, to the ſaid W. D. his Heirs-Male whatſomever; whilks alſo failzieing, to his Heirs whatſoever, & their Aſſigneys, Heretably & Irredeemably, *all and haill* the Lands and Barony of *D.* comprehending (*here inſert the other Lands, as in the Diſpoſition of the Lands and Eſtate principally diſponed, and then ſay*) together with the Teind-Sheaves, and Parſonage-Teinds of the ſaids haill Lands, Barony, and others fore-aids, included in the Stock, and not to be ſeparat therefrom in all time thereafter; together likeways with full Power, Liberty and Priviledge in all time-coming, of Caſting, Winning, Leading and Tranſporting of Peats, Turffs and Feual furth of the Moſs of *R.* for the uſe of the Lands of *D.* and Tennents and Poſſeſſors thereof, and for the uſe of the Mannor-place of *D.* and for the uſe of the haill remanent Lands and others above-diſponed, by the Roads and Ways uſed and wont, and furth of theſe parts of the Moſſes of *R*, in which the E. of *F*, (when he was Heretor of the ſaids Lands) and I and my Tennents have been in uſe to caſt and lead from thence thir divers years by-gone, and that conform to the Agreement and Diviſion paſt betwixt us and the other Heretors concerned in the ſaids Moſſes; together with all Right of Property and Superiority, and all other Right, Title and Intereſt, Claim of Right, Property and Poſſeſſion, alſwell petitor as poſſeſſor, which we, or either of us, our Heirs and Succeſſors had, have, or any ways may ask, claim, or pretend thereto, or to any part or portion of the ſaids Lands, Miln, Moſs, and others foreſaids thereafter in all time-coming, with the haill Maills, Farms, Duties, Feu-Duties, Blench-Duties, Caſualities and Profits due and payable to me and my foreſaids furth of the ſame: And it is thereby declared, that the ſaids reſpective Towns and Lands of little and meikle ——, and theſe parts of —— formerly diſponed, the Lands of *R.* and *A.* ſhall only appertain and belong to the ſaid *J. B.* in Liferent, during all the days of her Lifetime, and is to be to her in ſatisfaction of what the ſaid *W. D.* her Husband is obliged to provide to her in Liferent by their Contract of Marriage; and band and obliged me, my Heirs and Succeſſors whatſomever, duely and ſufficiently to Infeft and Seaſe by Charter and Seaſin, *titulo oneroſo*, in due and competent Form, the ſaid *W. D.* his ſaid Spouſe, and their foreſaids (in Liferent ad Fee *reſpective*, according to the Diviſion and Deſtination above-ſpecified) in all and haill the foreſaids Lands and Barony of *D.* comprehending

as ſaid is, and in the remanent Towns, Lands, Miln, and others particularly and generally above-diſponed, with the Parſonage-Teinds, Priviledges and Pertinents lying and bounded in manner above-expreſt, and that by two ſeveveral Infeftments and manner of Holdings, to be holden in manner ſpecified in the ſaid Diſpoſition, and that by Reſignation or Confirmation in their option, and to grant, ſubſcribe and deliver to them ſufficient Diſpoſitions thereof (containing Procuratories of Reſignation,) Charters *à me, & de me*, (containing Precepts of Seaſin,) and other Securities requiſite and neceſſar for Infefting and Securing them (in Liferent and Fee *reſpective*) therein, with Warrandice always in manner under-written: Likeas (now as if the ſaids Infeftments or either of them were already made and paſt, and then as now) I obliged me and my foreſaids, to warrand, acquit and defend the foreſaid Right and Diſpoſition, Procuratory of Reſignation therein-contained, and Infeftments to follow thereupon, Lands, Miln, Miln-Lands, Multures, Parſonage-Teinds, Moſſes, Priviledges, and others above-diſponed, with the Pertinents therein-ſpecified, lying and bounded as ſaid is, to be good, valid and ſufficient, free, ſafe and ſure to the ſaid *W. D.* his ſaid Spouſe, and their foreſaids (in Liferent and Fee *reſpective*) from all and ſundry *W*ards, Releifs, Non-entries, Annualrents, Liferents, Ladies Terces, Inhibitions, Interdictions, Appryſings, former Alienations privat and publick Infeftments, Diſclamations, Recognitions, Purpreſtures, Baſtardies, Wadſets, Reductions of Infeftments, Services and Retours, and Ground-Annuals of whatſomever nature, Nullities, Tacks for long or ſhort ſpace, and from all and ſundry other Perils, Burdens, Dangers and Inconveniencies whatſomever, alſwell not named as named, by-gone, preſent as to come, which may any ways ſtop, trouble, or prejudge them in the peaceable Poſſeſſion thereof, or Intrometting with, and Uplifting of the Mails, Farms and Duties of the ſame thereafter in time-coming, at all Hands, and againſt all deadly; and in particular, but prejudice of the generality of the ſaid abſolute Warrandice, I band and obliged me and my foreſaids, to free and purge the Lands, Barony, Miln, Miln-Lands, Multures, Parſonage-Teinds, Priviledges, and others particularly above-diſponed, with their pertinents, of all Inhibitions, Appryſings, Adjudications, Infeftments, and other real Incumbrances (of whatſomever nature and quality) which may any ways affect the ſaids Lands, Miln, Teinds, and others above-ſpecified, and to deliver to them valid and formal Renunciations of the ſaids Incumbrances, for their Security anent the ſaids Lands, Miln, Teinds, and others foreſaids (at leaſt formal, valid, and ample Conſents, under the perſons Havers of the ſaids Inhibitions, Infeftments, or other real Rights their Hands,) to the ſaid *W. D.* his ſaid Spouſe, and their foreſaids, and what may be judged fit and expedient, at the ſight and by the advice of Lawers, and that betwixt the date foreſaid of the ſaid Diſpoſition and the —— day of — then next, with the Sum of — *Scots* Money of Expenſes in caſe of failzie, by and attour performance of the Premiſſes, and als to warrand and releive them of all Ceſſes, Feu and Blenſh-Duties, Teind-Duties, Miniſters Stipends, and other Burdens and Impoſitions preceeding ——, (being the time of their entry,) and becauſe the ſame price was payed for the Teind as for the Stock, therefore I obliged me and my foreſaids, to warrand the ſaids Teinds to them from all Hazards, Burdens, Troubles, Evictions and Inconveniences, and others whatſomever, (alſwell not named as named, by-gone, preſent as to come,) that may any ways trouble or moleſt them in the peaceable bruiking, joyſing and poſſeſſing of the ſame Teinds in all time-coming, (except the preſent Miſters Stipend, extending in manner ſpecified in the ſaid Diſpoſition,) as the ſame containing divers others Obligments, Articles and Clauſes conceived in their favours, in it ſelf more fully is contained, And ſeing the time prefixed

and

and appointed for my purging of ſuch Incumbrances and real Burdens, as the ſaids Lands, Barony, Miln, Miln-Lands, Teind-Sheaves, and others foreſaids ſtand affected with, is elapſed, and that it is juſt and reaſonable the ſaid *W. D.* his ſaid Spouſe, and their foreſaids, be not prejudged by their forbearance in uſing Diligence againſt me for doing thereof, but on the contrary, that they be farder and better ſecured thereanent; *therefore* (and but any prejudice or derogation to the foreſaid Diſpoſition and Clauſe of abſolute Warrandice, and for purging of the ſaids Incumbrances therein-contained, or innovation thereof in any ſort, but in farder Corroboration of the ſame *accumulando jura juribus*,) wit ye me to have ſold and diſponed, and by thir preſents, ſells and diſpones to the ſaid *W. D.* and *J. B.* his Spouſe, the longeſt liver of them two in Conjunct-fee and Liferent, and Heirs-Male betwixt them, whilks failzieing, to the ſaid *W.* his other Heirs-Male whatſomever, whilks alſo failzieing, to his Heirs whatſomever, and their Aſſigneys Heretably, (at leaſt during the Time after-expreſt allanerly,) all and haill theſe Lands of the Barony of *B.* (*here Inſert the Lands and others, as in the Diſpoſition of the real Warrandice, and then ſay*) together with the Teind-ſheaves and Parſonage, Teinds of all the ſaids Lands, Barony and others foreſaids Included; And that in Real Warrandice and Securitie to the ſaid W. D. his ſaid Spouſe, and their foreſaids (in Liferent and Fee reſpective,) of the ſaids Lands and Barony of D. Comprehending the Lands, Miln, Miln-Lands and others, particularly above-ſpecified; and likeways, in Real Warrandice and Security to them, (in Liferent and Fee as ſaid is,) of the haill remanent Towns, Lands and others above-mentioned, with the Parſonage-Teinds, and Pertinents of all the ſaids Lands and Priviledges thereof above-expreſt, formerly, and principally Diſponed by me to them, by vertue of the Diſpoſition above-narrated, and that ay and while I, my Heirs and Succeſſors purge, Clear, Liberat, and Free the ſaids Lands, Barony, Miln, Miln-Lands, Parſonage-Teinds, Priviledges and others principally above-diſponed, with the Pertinents of all ſuch Real Burdens, by Horning, Infeftments, Inhibitions, and other Diligences and Incumbrances whatſomever, that in Law does, and may be found to Affect the ſame, and that either be ſufficient and valid Renunciations and Diſcharges, and other Rights *habili modo* to be conveyed in their Perſons; or by our making up to them ſuch Rights and Securities thereof, as in Law ſhall be preferable to the ſaids Incumbrances and Grounds of Eviction, which is to be done at the Sight, and by the Approbation of Judicious Lawers, to be Nominat and Choſen by both Parties in manner foreſaid; and after which purging of the ſaids Incumbrances, and making up, and Supplying of all, which Grounds and Cauſes of Eviction whatſomever in manner foreſaid: The ſaid Real Warrandice is to become Extinct and frae thence furth to Expire, but prejudice always to the ſaid W. D. his, ſaid Spouſe, and their foreſaids of the Abſolute Warrandice, and other Obligments contained in the ſaid Diſpoſition which is ſtill to remain in full Force, Strength, and Effect, for Security of the ſaids Lands, Teinds and others foreſaids Principally above Diſponed; even after the ſaids Incumbrances are purged, and the ſaids other Grounds and Cauſes of Eviction made up, and Supplyed, and that in all time-coming conform to the Tenor thereof in all Points; And I Bind and Oblige me, my Heirs and Suceſſors, duely and ſufficiently to Infeft and Seaſe the ſaid W. D. his ſaid Spouſe, and their foreſaids, in all and ſundry the foreſaids Lands, Barony, and others above-ſpecified, with the Pertinents (Diſponed by me to them in real Warrandice, as ſaid is;) and that by double Infeftments and manner of Holdings, the one thereof to be Holden of me and my foreſaids Feu, for payment of the Sum of ——— *Scots* Money (in name of Feu-Farm) yearly at *Whitſunday*, and *Martinmaſs* in Winter, by equal Portions during the ſaid ſpace, and of

which Feu-Duty of all years and Terms to come; and all Action of Reduction, Declarators of Nullity, & others of the Law Competent for not payment thereof: I for me and my foresaids, Exoner and Discharge them for ever; and (if need beis) I Oblige me and my foresaids, to Grant them Termly Discharges thereof, and the other of the saids Infeftments, to be Holden from me and my foresaids, of my immediat lawful Superiors of the same, as freely as I hold the same my self, and that by Resignation or Confirmation in their Option, (and the one to be without prejudice of the other;) & to Grant to them Dispositions, Procuratories, and other Securities requisite thereanent, with Warrandice in manner under written: And for the better Obtaining of the said Infeftment be Resignation, (but prejudice of the other Infeftment above-written;) I hereby make and Constitute ——, or any one of them my very lawful Indoubted and Irrevocable Procurators, to the Effect after-specified with Power, to Compear before my saids immediat Lawful Superiors, or their Commissioners in their Names, having their Power to receive Resignations, and thereupon to Grant new Infeftments, any Day and place lawful and convenient; and there, with all due Humility and condign Reverence as becomes, purely, and simply (by Staff and Baston as use is) to Resign: Likeas, I by thir Presents, Resign, Surrender, Overgive, and Deliver all and sundry, the foresaids Towns, Lands, Barony, Milns, Miln-Lands, Multures and Sequels thereof, Mosses, Muires, and others, particularly, and generally above-specified, with the Pertinents (Disponed by me in real Warrandice as said is) and Lyand in manner foresaid; and that in real Warrandice and Security to the said W. D. his said Spouse, and their foresaids of the saids Lands, Barrony, Miln, Miln-Lands, Parsonage-Teinds and others, with the Priviledges and Pertinents thereof principally above Disponed; And that ay and while I, and my foresaids purge the saids Incumbrances, and Supplie the saids other Grounds and Causes of Eviction, in manner, and in the Terms above-expresst; and after which purging, and Supplying of the saids Grounds, the said real Warrandice is to Expire and become Extinct, (but prejudice always to them of their former Rights, Clause of absolute Warrandice, and other Clauses therein contained, even after the Expiration of the said real Warrandice,) conform to the Tennor of the saids former Rights in all Points, and that in all time-coming, *in the hands* of my saids lawful Superiors, or the Commissioners above-mentioned; *In favours*, and for new Infeftment of the same, to be Made and Granted to the said W D. his said Spouse, and their foresaids (in Liferent and Fee *respective*, and in real Warrandice as said is,) to be Holden of the said Superiours, in such due and competent Form as accords; Acts, Instruments, & Documents one or moe as need beis in the Premisses, to Ask and Raise, and generally all and sundry other things thereanent; To Do, Use, and Exerce, als freely in all Respects: As I might do therein my self if I were Personally present; promising to Hold Firm and Stable, *&c.* And for their farder Security anent the Premisses; I hereby Assign, Transferr, and Dispone in their Favours (in Liferent, and Fee Respective, and in real Warandice as said is,) the Writs and Evidents (both Old and New,) of the saids Lands and others foresaids Disponed in Real Warrandice as said is: And likeways, Constitutes them my Assigneys (in Liferent and Fee *respective*,) to the Mails and Duties of the same, of the first Cropt of the Eviction (if any be,) and thereafter during the not Re-possession to the principal Lands, and Teinds, and effeiring and Correspondent to the said Eviction (in quantitie and Qualitie, and no farder;) And I Oblige me and my foresaids, to Warrand this present Right and Disposition, Resignation and Infeftments to follow thereupon, Lands and others therein contained, to be Free, Safe and Sure; To the said *W. D.* his said Spouse, aud their foresaids, (during their Being, and continuing

tinuing with them as a Real Warrandice as ſaid is,) from all Wards, Reliefs, Non-Enteries, Eſcheats, Liferents, Prior Infeftments, Inhibitions, Appryſings, Adjudications and other Grounds of Eviction whatſomever at all Hands and againſt all Deadly. And in caſe of Eviction, to deliver to them Judicial Tranſumpts of the ſaids Writes, and make the Principals furth-coming to them, wherein Traſumpts ſhall not be ſufficient; and in caſe it ſhall pleaſe them, to Hold the ſaids Warrandice Lands of me and my foreſaids as their Superiors: I Oblige me and my foreſaids, to Enter and Receive their Heirs and Aſſigneys from Time to Time therein (as Real Warrandice *reſpectivè*, and in the Terms, and during the ſpace above-expreſt,) and that for payment of Three Shilling, Four Pennies Money foreſaid, at, and for the Entry of each Heir, Aſſigney, or Succeſſor thereto, and not to ly out our ſelves Unentered to their prejudice; and if any Caſuality (by Liferent, Eſcheat, or otherways) fall in our hands, as Superiors foreſaids, (in any Caſe or Matter, Civil or Criminal;) I Oblige me and my foreſaids, to Diſpone the ſame to themſelves, (or any other Perſon they pleaſe for their Behove) for payment of the like Compoſition of Three Shilling, Four Pennies Money foreſaid *toties quoties*, the ſame falls out and occurs; Likeas, (now as then, and then as now,) I for me and my foreſaids, *per verba de preſenti*, hereby Aſſign and Diſpone the ſaids Caſualities in their own Favours for ever: and laſtly, it is hereby Declared and Provided that the foreſaid Real Warrandice is, and ſhall be, but prejudice to them of the foreſaid abſolute Warrandice, and other Obligments contained in their former Rights, and that the ſaid Abſolute Warrandice & former Obligments are, and ſhall be but prejudice to them of the ſaid Real Warrandice, ſo that it ſhall be always Lawful to them, to make uſe of both, or either, Conjunctly, or Severally; The one but prejudice of the other, ay, and while they be Secured, and that but any Innovation, or Confuſion of Rights, or Warrandices. Conſenting thir preſents be Regiſtrat in the Books of Council and Seſſion, *&c.* Dated at *Edinburgh*, the Nineteenth Day of *Auguſt*, One Thouſand Six Hundred Three-ſcore, Nineteen Years, before thir Witneſſes.

REVOCATION *be R. T. of all Deeds done by him, in favours of his Wife or any other perſons for her behove, either gratuitouſly, or without an adequat Onerous Cauſe.*

BE it kend to all Men by thir preſent Letters, me *R. T. &c.* Forſomuch as I now take into my ſerious Conſideration, that God hath bleſſed me, not only with a Daughter called *J. T.* (Procreat betwixt me and *M. T.* my firſt Spouſe) who gave me never Offence either in her firſt or ſecond Marriage, or any other manner of way ſince her Nonage to this very day; but alſo with a Grand-child of her Body called M. B. lawfully Procreat betwixt her and *M. R. B.* Miniſter of the Goſpel, her preſent Husband. And likeways conſidering how I have been Impoſed upon, by the Influence and Inſtigation of *M. P.* my preſent Spouſe, and ſome of her Friends and Relations; not only to grant to her a Liferent of my Fortune real and perſonal, and even a Diſpoſition of both, at leaſt to ſome perſon or perſons for her uſe and behove, and thereby to Diſinherit my ſaid Daughter and Grand-child of their juſt, lawful and righteous Inheritance, to which by the Laws of Nature, Municipal Laws of the Land, and even Religion it ſelf, they ought in Juſtice to ſucceed. And I being now ſenſible of the Injury thereby done me, and be my ſelf in conſenting to, and doing of ſuch Deeds; but alſo by granting Bonds to particular perſons, either for Sums of Money never received, or for greater Sums than truly advanced to me, and upon part whereof Infeftments have been taken, and I otherways diſtreſſed. Therefore, and I being willing to Redreſs all them Injuries and Impoſures, and put Matters in their due and right Channel, whereby my Conſci-

ence may be kept entire, and none of my lawful Creditors prejudged, as to what juſt and lawful Debts ſhall be found owing to them; and thereby *I* may die in peace and with the ſafer Conſcience: and knowing that all Deeds done by men in Favours of their Wives, or to any other perſon or perſons for their behove, otherways than by Contract of Marriage, as being Acts *inter Viros & Uxores*, and in effect (upon the Matter) but Donation; and ſo in Law Reduceable and Revocable, and may be quarrelled and impugned as gratuitous Deeds. Therefore wit ye me, for my ſelf, and be vertue of the ſaid Power and Facultie introduced and conceived in my Favours by Law, and of my own free Will and proper Motive to have Revocked, Recalled, Caſſed and Annulled; *Likeas* I be thir Preſents, Revock, Recall, Caſs and Annul all and whomſoever Diſpoſitions, Procuratories of Reſignation, and other Rights and Securities granted be me at any time heretofore, in Favours of the ſaid *M. P.* my Spouſe, or to any perſon or perſons for her behove or to their, or either of their Heirs and Aſſigneys heretablie and irredeemablie, or under Reverſion, or in Liferent off, upon, or concerning that great Tenement of Land, back and fore, under and above, with the Yards and Pertinents lately built by me, above and upon that piece of waſte Ground diſponed to me by the good Town of —, and bounded in manner ſpecified, in my Rights and Infeftments thereof, (and here holden as expreſſed *brevitatis cauſa*) and of any other Lands and Eſtate real or perſonal, pertaining or belonging to me be whatſoever manner of way: and particularly (but prejudice of the ſaid Generality) of the Inſight and Pleniſhing of my Houſe and Utenſils, of whatſoever nature or qualitie the ſame be of. And in like manner, all Bonds, Obligations, Contracts, or other Rights granted be me to my ſaid preſent Spouſe, or to any other perſon or perſons, bearing the Receipt of Sums of Money, and Obligement for payment thereof, whether but or with the payment of Annualrents and Expenſes, or for Preſtation of other Deeds, whereby my ſaids Lands and Eſtate, real or perſonal may be affected, or evicted any manner of way; and namely that Obligement and Proviſion in my Contract of Marriage with my ſaid preſent Spouſe, whereby I, and my Heirs and Executors, are obliged to pay to her, or any ſhe ſhall bequeath the ſame to, — or thereby; failling of Children betwixt us, being only by a Marginal Note, put thereon after the Marriage, in the haill Heads, Articles and Clauſes thereof: and Wills and Declares all the ſaids Writs Rights and Deeds to be Extinct, Void and Null themſelves *ipſo facto*, be way of Reduction, Exception or Reply, as if the ſame had never been made or granted; and Admits and Declares the ſaid general Revocation, to be as valide and ſufficient, and of as great Force, Strength and Effect, to all Intents and Purpoſes, as if each Bond, Obligation, Diſpoſition, Procuratorie of Reſignation, or other Rights made be me as ſaid is, were herein particularlie narrated, and *ad longum* Inſert and Ingroſſed, albeit not ſo done whereanent, (and with all that may follow thereupon, or that can any ways be objected againſt the validitie thereof.) I for me and all others that may ſeem to be concerned, have Diſpenſed, and be thir Preſents diſpenſes for ever, Conſenting thir Preſents be Regiſtrat in the Books of Council and Seſſion, general Regiſter of Seaſins at —, appointed for Regiſtration of Seaſins, Reverſions, *&c.* or others Competent therein, to remain for Conſervation; and Conſtituts — my Procurators, *&c.* In Witneſs whereof I have ſubſcribed thir Preſents with my hand at —, the — day of —, — years, before thir Witneſſes, —.

DISPOSITION *be the ſame Perſon of his* Lands, *in Favours of his Grand-child, containing likeways a Revocation.*

BE it known to all Men by thir preſent Letters, Me *R. T.* heretable Proprietar of the great Tenement of Land, and others after Diſponed, with the Pertinents. Forſomuch as I now take into my ſerious Conſideration, that God has bleſſed me, not only with a Daughter called *J. T.* (Procreat betwixt me and *M. T.* my firſt Spouſe) who never gave me Offence either in her firſt or ſecond Marriage, or any other manner of way, ſince her Nonage to this very day; but alſo with a Grand-child of her Body called *M. B.* lawfullie Procreat betwixt her and

and *M. R. B.* Miniſter of the Goſpel, her preſent Husband: And likeways conſider ing how I have been *I*mpoſed upon, by the *I*nfluence and *I*nſtigation of *M. P.* my preſent Spouſe, and ſome of her Friends and Relations; not only to grant to her a Liferent of my Fortune real and perſonal, and even a Diſpoſition of both, at leaſt to ſome perſon or perſons for her uſe and behove, thereby to diſinherit my ſaid Daughter and Grand-child, of their juſt, lawful and righteous *I*nheritance; to which by the Laws of Nature, Municipal Laws of the Land, and even Religion it ſelf, they ought in Juſtice to ſucceed. And I being now ſenſible of the *I*njurie thereby done me, and be my ſelf in conſenting to, and doing of ſuch *D*eeds; but alſo in granting Bonds to particular perſons, either for Sums of Money never received, or for greater Sums than truly advanced to me, and upon a part whereof *I*nfeftments have been taken, and *I* otherways *D*iſtreſſed therefore; and *I* being willing to Redreſs all them *I*njuries and *I*mpoſures, and put Matters in their due & right frame, whereby my Conſcience may be keeped entire, and none of my lawful Creditors prejudged, as to what juſt and lawful Debts *I* ſhall be found owing to them, and whereby *I* may die in peace, and with the ſafer Conſcience; and knowing that all Deeds done be Men in favours of their Wives, or to any other perſon or perſons for their behove, otherways than be Contract of Marriage, as being Acts *inter Viros & Uxores*: and in effect upon the Matter but Donations, and ſo in Law Reduceable and Revocable, and may be quarrelled and impugned as gratuitous Deeds. Therefore Wit ye me for my ſelf, and be vertue of the Power and Facultie introduced and conceived in my Favours by Law, and of my own free will and proper motive, to have Revocked, Recalled, Called and Annulled, Likeas *I* be thir Preſents, Revock, Recall, Caſs and Annul, all and whatſoever Diſpoſitions, Procuratories of *R*eſignation, and other Rights and Securities granted be me at any time, in Favours of the ſaid M. P. my Spouſe, or any perſon or perſons for her behove; or to their, or either of their Heirs and Aſſigneys, heretable and irredeemablie, or under Reverſion, or in Liferent of, upon, or concerning that great Tenement of Land, back and fore, under and above, with the Yards and Pertinents lately built by me, above and upon that piece of waſte Ground, diſponed to me by the Town of ---, and bounded in manner after ſpecified; and of any other Lands and Eſtate, whether real or perſonal, pertaining and belonging to me be whatſoever manner of way: And particularly (but prejudice of the ſaid Generalitie) of the Inſight and Pleniſhing of my Houſe and Outenſils, of whatſoever nature or qualitie the ſame be of. And in like manner, all Bonds, Obligations, Contracts, and other Rights granted be me to my ſaid preſent Spouſe, or to any other perſon or perſons, bearing the Receipt of Sums of Money, and obligement for payment thereof, (whether but, or with the payment of Annualrents) and Expenſes, or for Preſtation of other Deeds, whereby my ſaids Lands and Eſtate, real and perſonal, may be affected or evicted any manner of way: and namely, that Obligement or Proviſion in my Contract of Marriage with my ſaid preſent Spouſe, whereby I and my Heirs and Executors, are obliged to pay to her, or any ſhe ſhal bequeath the ſame to, --- Merks, (or thereby failzieing of Children betwixt us, being only by a Marginal Note put upon after the Marriage) in the hail Heads, Articles and Clauſes thereof. And Wills and declares all the ſaids Writs, Rights and Deeds to be Extinct, Void and Null in themſelves *ipſo facto*, by way of Reduction, Exception or Reply, as if the ſame had never been made or granted; and Admits and declares the ſaid general Revocation, to be as valid and ſufficient, and of as great Force, Strength and Effect, to all Intents and Purpoſes, as if each Bond, Obligation, Contract, Diſpoſition, Procuratorie of Reſignation, or other Right made be me as ſaid is, were herein particularlie *N*arrated, and *ad longum* Inſert and Ingroſſed, (albeit not ſo done) whereanent, and with all that may follow thereupon, or that can be any ways objected againſt the validitie thereof; I for me, and all others that may ſeem to be concerned, have Diſpenſed; and be thir Preſents *D*iſpenſes for ever. And in like manner, (for the love and favour I have and bear to the ſaid *M. B.* my Grand-child and other good, weightie and grave Conſiderations moving me) *Wit ye me* to have Diſponed; likeas I be thir Preſents, Diſpone to the ſaid M. B. my Grand-child, and to the Heirs and Bairns to be Procreat of her Body; which failzieing to the ſaid *J. T.* her Mother, (and my only Child) and the Heirs or Bairns Procreat, or to be Procreat betwixt her and the ſaid M. R. B. her preſent

Husband; which failzieing to the Heirs and Bairns lawfully to be Procreat of the ſaid *J. T.* my Daughter her Bodie, in any other Marriage; which failzieing to the ſaid M. R. B. and his Heirs and Aſſignies whatſoever: *All and haill* the foreſaid great Tenement of Land, back and fore, under and above, with the Yards and Pertinents lately built be me, above and upon that piece of waſte Ground, Diſponed to me be the ſaid Town of ---, lying in the of --, upon the ſouth ſide of the Water thereof, Bounded betwixt that Tenement of Land pertaining to the deceaſt J. B. on the South, the Tenement built be *R. M.* Maſon on the North, the --- on the Eaſt, and the --- on the Weſt part, on the one ſide and other, with free Iſh and *E*ntrie thereto, &haill Liberties, Priviledges & Pertinents belonging thereto. And I Bind and Oblige me, my Heirs and Succeſſors, to Infeft and Seaſe the ſaid M. B. and her foreſaids; which failzieing as ſaid is therein, and that be double *I*nfeftments and manner of Holdings; the one thereof to be holden of me, my Heirs and Succeſſors, in free Blench, for payment of a Pennie *Scots* Money upon the Ground of the ſaid Tenement, at the Feaſt of *W.* yearlie, in name of Blench-Farm if it beis asked allenarlie; and the other of the ſaids *I*nfeftments to be holden frae me and my foreſaids, of my immediat lawful Superiors thereof, als freely in all reſpects, as *I* hold, or may hold the ſame my ſelf; and that be Reſignation or Confirmation in their Option, (the one but prejudice of the other;) and to grant all Rights requiſite thereanent, with Warrandice in manner under-written.) And for the better obtaining of the foreſaid *I*nfeftment be *R*eſignation, (but prejudice of the other *I*nfeftment above-written) *I* hereby make, Conſtitute and Ordain ---, or any one of them, my very lawful, undoubted, and irrevocable Procurators, Actors, Factors, and ſpecial Errand-bearers, to the Effect after-ſpecified; Giving, granting and committing to them, conjunctlie or ſeverallie as ſaid is, my very full, free plain Power, expreſs Bidding, Mandat and Charge, for me in my name, and upon my behalf, to Compear before my ſaids immediat lawful Superiors of the ſaid Tenement of Land, with the Yards and Pertinents, any day and place lawful and convenient, and there with all due Humilitie and condign *R*everence (as becomes) purely and ſimply be Staff and Baſton as uſe is, to Reſign, Surrender, Overgive and Deliver; Likeas I hereby *R*eſign, ſurrender, Overgive Deliver, all and haill the foreſaid great Tenement of Land, back and fore, under and above, with the Yards and *P*ertinents lately built be me, above and upon that piece of waſte Ground diſponed to me be the ſaid Town of ---, and Bounded as ſaid is, with free Iſh and *E*ntrie thereto, and haill *L*iberties, *P*riviledges and *P*ertinents belonging to the ſame; *In the hands* of my ſaids lawful Superiors thereof, *in favours* and for new Infeftment of the ſame, to be made and granted to the ſaid M. B. my Grand-child, and to the Heirs and Bairns of her Bodie; which failzieing in manner foreſaid, and their Aſſignes heretablie, to be holden of the ſaids Superiors, in ſuch due and competent *F*orm as accords; but with and under the expreſs Reſervations, Proviſions, Conditions and Declarations after ſpecified, *viz.* Reſerving always to me my Liferent Right of the ſaid great Tenement, Yards and Pertinents, during all the days of my lifetime. And als reſerving to the ſaid *M. P.* my Spouſe, her Liferent Right of --- Merks *Scots* a year, provided to her be Contract of Marriage, during all the days of her lifetime, (in caſe ſhe happen to ſurvive me.) And likeways with this Proviſion and Declaration always; Likeas it is hereby expreſſie provided and declared, (and be it ſo provided and declared be the Reſignation and Infeftment to follow hereupon) that thir Preſents are granted and accepted by my ſaid Grandchild and her foreſaids; which failzieing as ſaid is, with the Burden of the payment of the Sum of --- Merks money foreſaid, contained in a Bond granted be me to my ſaid Daughter and the ſaid *M. R. B.* her Husband, and longeſt Liver of them two in Liferent, and to the Bairns Procreat betwixt them; which failzieing to the Bairns and Children to be *P*rocreat of my ſaid Daughter her Bodie, of any other ſubſequent Marriage; which failzieing to the ſaid M. *R. B.* his neareſt Heirs or Aſſignies whatſoever, in Fee thereupon, of the Date the --- day of --, -- years, with the Expenſes and Annualrents therein contained. And in the next place, it is hereby provided and declared, that thir Preſents Reſignation and Infeftments to follow hereupon, ſhall no ways prejudge anie of my juſt and lawful Creditors, of their juſt and lawful Debts; but on the contrarie, and be the Acceptation hereof, my ſaid Grandchild and her foreſaids; which failzieing as ſaid is, ſhall be holden and obliged

obliged to ſecure them for payment of their ſaids Debts, either by irredeemable Rights, Wadſets, or Rights of Annualrents forth thereof, adequat to their Sums, and under Reverſion be payment of the ſame; but prejudice always to my ſaid Grandchild and her foreſaids, to quarrel and impugn the ſaids Debts and Securities granted be me therefore, upon whatſoever Ground competent, and as accords of the Law; neither ſhall thir Preſents with the Proviſion and Declaration foreſaid, import or infer any Homologation, or Approbation of the ſaids Debts, or Rights granted therefore, further than the ſame may be found juſt, and ſuſtained in Law after they are quarrelled and impugned, in reſpect ſeveral of the ſaids Securities for the ſaids Debts, were Elicite from me for no cauſe, or for greater Sums than I trulie and reallie received, being impoſed upon and Inſtigat thereto as ſaid is; Acts, Inſtruments and Documents, one or more as need beis in the Premiſſes to ask and raiſe; and generallie all and ſundrie other things thereanent, to do, uſe and exerce, ſicklike, and as freelie in all reſpects, as I might do therein my ſelf, were I perſonallie preſent; promiſing to hold firm and ſtable, *&c.* And for the ſaid *M. B.* and her foreſaids; which failzieing as ſaid is, their further Securitie anent the Premiſſes I hereby Aſſign, Transfer and Diſpone in their Favours, the Writs and Evidents of the ſaid great Tenement of Land and others foreſaids, with the Pertinents, and all Action competent thereon, for ever. And I hereby conſtitute them my Aſſignes, in and to the Maills and Duties thereof, that ſhall happen to be reſting the time of my deceaſe, and yearlie and termlie thereafter in all time coming; with full Power to the ſaid *M. B.* and her foreſaids; which failzieing as ſaid is, to Intromet with, uplift, ask, crave and receive the foreſaids Maills and Duties above aſſigned, and to Charge and purſue therefore; and for Exhibition, Production and Delivery of all my Writs and Evidents, that ſhall be found abſtracted be my ſaid Spouſe, or others, & upon my Deceaſe, to Intromet with ſuch of the Writs as are extant, before any Judge or Judges competent; and to ſet and raiſe Tennents, uſe Warning, Proſecute, removing Decreets in, the Premiſſes to obtain and recover, and the ſame to due Execution cauſe be put; and generallie all and ſundrie other things anent the Premiſſes, to do, uſe and exerce, ſicklike, and as freely in all reſpects, as I might do therein my ſelf, before the granting of thir Preſents; which I oblige me, my Heirs and Succeſſors, to Warrand frae my own proper Fact and Deed allenarlie, (with and under the Reſervations, Proviſions and Conditions above mentioned, and no otherways, and with the Burden above expreſt) conſenting thir Preſents be Regiſtrat in the Books of Council and Seſſion, or others competent therein, to remain for conſervation; and conſtitutes --- my Procurators, *Attour* (to the effect, the ſaid M. B. may be lawfully Infeft in the ſaid great Tenement of Land, back and fore, under and above, with the Yards and Pertinents lyand, and Bounded as ſaid is, to be holden *a me* or *de me* in manner foreſaid.) I hereby make, conſtitute & ordain --- or any one of you my Baillies in that part, to the effect after-ſpecified with Power to paſs to the Ground thereof, & there give heretable State & Seaſin, actual, real and peaceable Poſſeſſion of the ſaid great Tenement of Land, back and fore, under and above, with the Yards, Priviledges, Liberties and Pertinents of the ſame, lyand and Bounded as ſaid is, (and here holden as expreſt *brevitatis cauſa*) to the ſaid M. B. or her Attornie in her name, Bearer of thir Preſents, be deliverance to them of Earth and Stone of the ſaid Tenement, and Yards upon the Ground thereof, as uſe is. (And with and under the expreſs Reſervations, Proviſion, Condition and Burden above mentioned) and this no no ways ye leave undone; the which to do, gives full Power thereanent be this my Precept of Seaſin, granted for that effect. In witneſs whereof, I have ſubſcribed thir Preſents written be ---, with my hand at ---, the -- day of --, -- years, before thir Witneſſes, ---.

DISPOSITION *and Aſſignation by the ſame perſon to his Grandchild.*

BE it kend to all Men be thir preſent Letters, me *R. T.* --- (for the love and favour I have, and bear to M. B. my Grandchild, lawfully begot betwixt *J. T.* my Daughter and only Child, now on life, and M. R. B. --- her Husband)

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Wit ye me, and now after I have Revocked, Recalled, and made Void and Null, all Diſpoſitions, Aſſignations, Procurations of Reſignation, and other Writs and Deeds, made, granted and done be me, in favours of M. P. my Spouſe, or any other perſon or perſons for and towards her behove, of my Eſtate real and perſonal, either be way of irredeemable Right, Wadſet, *Liferent*, Right of Annualrent, or any other manner of way; and all Bonds, Obligations and other Writs made be me to her or them, for payment of Sums of Money, or performance of other Deeds, whereby the ſame *Eſtate* real or perſonal pertaining to me, may be any ways affected or evicted, as being elicite and procured from me, after our Marriage, by the Importunitie, Influence and Inſtigation of my ſaid Spouſe, or ſome of her Friends; and particularly but prejudice of the ſaid Generalitie, a Marginal Note on my Contract of Marriage, with her, whereby I am bound to pay to her --- merks or thereby, failzieing of Children of the Marriage in manner more fully ſpecified, in my Revocation ſubſcribed, thereanent, of the date of thir preſents, and here holden as for-expreſt *brevitatis cauſa*) to have aſſigned and diſponed, likeas *I* by thir preſents aſſign and diſpone to and in favours of the ſaid M. B. my Grand-child her Heirs and Aſſigneys whatſomever, all and ſundrie Goods, Gear, *Inſight*, *Pleniſhing* of my Houſe, Outinſils, Debts, Sums of Monie, Bonds, Obligations, Diſpoſitions, Aſſignations, Tranſlations, Adjudications, Grounds and warrands thereof, *Infeftments* following or competent to follow thereupon, Tickets, Accompts, *Decreets*, Acts of Warding, Horning, Caption, Inhibitions, Arreſtments and others whatſomever addebted, aud reſtand, owand to me or my Cedents and Authors, led and deduced at our or either of our *Inſtances*, and pertaining and belonging to me, or that ſhall happen to pertain and belong to me the time of my deceaſe (alſe well not named as named) and of whatſomever Nature, Tenor, Qualitie or Dates the ſame be of, whether *Heretable* or Movable, and *I* admit and declare the Generalitie foreſaid, to be als valid and ſufficient, and of alſe great Force, Strength and effect, to all *Intents* and Purpoſes, as if each particular Debt, *Pleniſhing* and Right generallie above-aſſigned and diſponed, were all herein ſet down and ingroſſed, albeit not ſua done whereanent, and with all that may follow thereupon, or that can be anie way objected againſt the Validitie of this preſent Right, *I* for me my Heirs, Executors, and all others whom theſe may concern have diſpenſed, and by thir preſents diſpenſes for ever, with full Power to the ſaid M. B. and her foreſaids to intromet with, uplift, ask, crave, and receive the foreſaid Debts, Sums of Monie, *Pleniſhing*, Writs and Evidents above-aſſigned and diſponed, and to diſpoſe thereupon at pleaſure after my deceaſe, and if need beis to call, follow, charge and purſue therefore, and for Exhibition, Production, and Deliverance of the ſame, againſt all Abſtracters, Medlers therewith, and Havers of the ſame, as accords of the Law, and that before whatſomever *Judge* or *Judges* competent, Decreets in the *Premiſſes* to obtain and recover, and the ſame to due Execution cauſe be put, compon tranſact and agree thereanent, and upon Payment and Deliverie to grant diſcharges, whilks ſhall be ſufficient to the Receivers, and to do what elſe I might do therein my ſelf at anie time before my deceaſe, obliging me my Heirs and Executors to warrand thir preſents frae my own proper Fact and Deed allanerlie, reſerving always to me my Liferent Right of the haill Premiſſes during all the days of my Lifetime, and it is hereby declared that thir preſents are granted with the Burden of the payment of --- *merks ſcots* due by me to my ſaid Daughter and her ſaid Husband in Liferent, and to the Bairns and Children betwixt them, whilks failzieing to the other perſons ſubſtitute in the *Bond* granted by me thereanent, dated the --- day of --- --- and of the Annuals and Expenſes therein contained, neither in the next place ſhall thir preſents prejudge anie of my lawful Creditors, as to their iuſt and lawful Debts reſting by me to them, but preiudice always to my ſaid Grand-child and her foreſaids; whilks failzieing as ſaid is, to quarrell and impugn the ſaids other Creditors their Debts, and Securities granted therefore, upon whatſoever Grounds competent in Law, a great part whereof were elicite from me without anie Sums of Monie and others thereof for greater Sums than I trulie received by the Inſtigation, Influence and Importunitie of my ſaid VVife and ſome of her Friends as ſaid is, conſenting thir preſents be regiſtrat in the Books of Council and Seſſion, or others competent therein to remain for Conſervation,

vation, and conſtitutes ---- my Procurators, in witneſs whereof, *I* have ſubſcribed thir preſents, [written by ---- VVritter in ----) with my hand ---- the ---- day of ---- ---- years, before thir VVitneſſes, ----

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Having thus written as to Heretable Bonds, (and their ſeveral Natures) Wadſets proper and improper, and younger Childrens Proviſions, (and how) I come now to ſpeak of the various ways and manner, how an eldeſt Son may be ſecured in his Fathers Fortune ; and this may be one of three ways, 1. *By a Procuratory of Reſignation from the Father.* 2. *By Contract of Marriage (if the eldeſt Son marry in the Fathers Lifetime, which alſo contains a Procuratory of Reſignation* :) *Or,* 3. *By Service and Retour after the Fathers deceaſe, to be found in the ſixth Part amongſt Services. And ſo I begin with the firſt, being a*

PROCURATORY OF RESIGNATION *of an Eſtate by a Father in favours of his eldeſt Son, of an ordinary and plain Stile, without a long Tailzie, only reſerving the Fathers Liferent of the Mannor-place and half of the Fortune, and to the Mother what provided to her by Contract and additional Proviſion (in caſe ſhe ſurvive) and failzieing of Heirs-Male of his Body, and Heirs-Male whatſoever, the Eſtate devolves upon the Heirs whatſoever, and the eldeſt has the preference without Diviſion, with ſome Limitations ; and this is alſo granted with the Burden of the Debt and Bairns Proviſions, conform to a Liſt of the Debts ſubſcribed by the Father and Son, and Bonds of Proviſion apart granted to the younger Children.*

BE *it known to all Men* by thir preſent Letters, Me *A. B.* of ——, Heretable Proprietar of the Lands, Barony, and others after-reſigned, with the Pertinents ; For the Love and Favour I have and bear towards W. B. my eldeſt lawful Son, Procreat betwixt me and *J. M.* my Spouſe : Therefore wit ye me to have Made, Conſtitute and Ordained, likeas I by thir preſents (with and under the expreſs Reſervations, Proviſions, Conditions, Declarations, and Burden after-mentioned, and no otherways,) Make, Conſtitute and Ordain —— ——, and ilk one of them, conjunctly and ſeverally, my very lawful undoubted and irrevocable Procurators, Actors, Factors, and ſpecial Errand-Bearers, to the effect after-ſpecified ; Giving, Granting and Committing to them, conjunctly and ſeverally as ſaid is, my very full, free, plain Power, expreſs Bidding, Mandat and Charge, for me in my Name, and upon my behalf, to compear before His Sacred Majeſty and Royal Succeſſors, my lawful Superiors of the Lands and Barony of —— after-ſpecified, comprehending the particular Towns, Lands, Milns, Miln Lands, Mannor-places, Patronages, Teinds, and others aftermentioned, or their Commiſſioners in their Names having their Power, to receive Reſignations, and thereupon to grant new Infeftments, and alſo to compear before my other Superiors of the remanent Lands and others after-expreſt, not comprehended in the ſaid Barony, and that any day and place lawful and convenient, and there with all due Humility and condign Reverence as becomes, purely and ſimply, by Staff and Baſton, as uſe is, to reſign, ſurrender, over-give and deliver, likeas I by thir preſents, reſign, ſurrender, over-give and deliver, all and haill the Lands and Barony of ——, comprehending the particular Towns, Lands, Milns, Miln-Lands, Mannor-places, Patronages, Teinds, and others aftermentioned, *viz.* (*here inſert all the Barony, with what therein comprehended, conform to the Fathers Charter under the Great Seal, and where they ly, and then*

ſay) in the Hands of His Majeſty and Royal Succeſſors, my lawful Superiors thereof, or their Commiſſioners above-ſpecified; and ſicklike, to Reſign, Surrender, Over-give and Deliver, likeas I by thir preſents, Reſign, Surrender, Over-give and Deliver, all and haill (*here inſert all the Lands and others holden of the other Superiors than the King, and where they ly, and then ſay*) in the Hands of the other Superiors thereof above-rehearſed, in favours and for new Infeftments of the ſaids Lands and Barony, comprehending as ſaid is, and holden of His Majeſty in manner foreſaid, and likeways of the haill remanent Lands and others above-ſpecified, holden of my other Superiors in manner above-expreſt, to be made and granted to the ſaid W. B. my eldeſt lawful Son, and to the Heirs-Male lawfully to be Procreat of his Body; whilks failzieing, to his Heirs-Male whatſomever; whilks all failzieing, to his Heirs whatſoever, (the eldeſt Daughter or Heir-Female ſucceeding and having always the preference without Diviſion) and their Aſſigneys, Heretably and Irredeemably, to be holden of my ſaid reſpective Superiors above-written, in ſuch due and competent Form as accords, but with and under the expreſs Reſervations, Proviſions, Conditions, Declarations and Burden after-mentioned, *viz.* Reſerving always to me my Liferent-right of the Mannor-place, Office-Houſes, Yards and Orchards of the ſaid Barony, now preſently poſſeſt by my ſelf; as alſo, of theſe Parts and Portions of the ſaid Eſtate particularly under-written, *viz.*— (*here inſert the Lands and others reſerved to the Father in Liferent, and then ſay*) and that during all the days of my Lifetime, and ſicklike Reſerving to —— my Spouſe her Liferent-right of ſuch of the ſaids Lands, Barony and others above-reſigned, with the Pertinents, as are provided to her in Liferent by Contract of Marriage and Infeftment following thereupon, and additional Proviſion granted by me to her thereafter, and both during all the days of her Lifetime, in caſe at the pleaſure of God ſhe happen to ſurvive me; and in like-manner, it is hereby expreſly Provided and Declared, and be it ſo Provided and Declared by the Reſignation and Infeftments to follow hereupon, that the ſaid W. B. my eldeſt lawful Son, and the Heirs-Male of his Body, whilks failzieing, his other Heirs-Male and of Tailzie above-ſpecified, ſhall be holden and obliged, and by the acceptation hereof, bind and oblige them, to ſatisfie and pay to my lawful Creditors, the Debts reſting by me to them by Wadſet, Right of Annualrent, Perſonal Bonds, or otherways, conform to an Liſt thereof ſubſcribed by me and my ſaid Son thereanent, of the date of thir preſents; and likewiſe, to ſatisfie and pay my younger Childrens Portions and Proviſions, conform to, and in the terms of the Bonds of Proviſion granted by me to them alſo thereanent, and with Aliment or Annualrent and Penalties in manner therein-expreſſed; and to warrand, free, releive, harmleſs and skaithleſs keep me, and my Executors, of all Requiſition & Legal Diligence & Execution whatſoever that may be uſed againſt me or them at the inſtance of my ſaids Creditors and Children, or either of them, or of their Heirs, Executors or Aſſigneys for the ſaids Debts, Portions and Proviſions, and of all Coſt, Skaith, Damnage, Intereſt, Charges and Expenſes that may be ſuſtained by us therethrow any manner of way in time-coming, and to report to me and my foreſaids, ſufficient Acquittances, Diſcharges and Rennnciations of the ſame whenever deſired by us thereto; and for all which, and doing and performing thereof, the ſaid W. B. my Son is particularly obliged to me and my foreſaids, by a particular Bond granted thereanent, alſo of the date of thir preſents. And farder, it is hereby expreſly Provided and Declared, and be it ſo expreſly Provided and Declared by the ſaid Reſignation and Infeftment, that if at any time hereafter, the Succeſſion (failzieing of Heirs-Male to ſucceed in the ſaids Lands and Eſtate) ſhall deſcend to the Heirs-Female, that then and in that caſe, the eldeſt Heir-Female ſhall ſucceed and have the Preference without Diviſion, Marrying a Gentleman

man of the Name of *B.* or one who will Aſſume the ſame; and they, and the Heirs-Male and Female deſcending of their Bodies, ſhall be holden and obliged, and by the acceptation hereof, bind and oblige them in all time thereafter, to aſſume, uſe and bear the Sirname of *B.* Arms, Cognizance and Stile of ——, and wherein if they failzie and contraveen, then and in that caſe, *ipſo facto* they ſhall amit and tine their Right to the ſaids Lands and Eſtate, and the ſame ſhall devolve upon, and appertain and belong to the next in Blood, or order of Succeſſion, who is hereby impowered and appointed in the caſe foreſaida nd immediatly upon the ſaid Contravention, to ſucceed thereto, even as if the Contraveener were naturally dead, and the ſaid Contraveeners are thereby holden and obliged to denude and diveſt themſelves of the Right of the ſaid Eſtate, and all pretence they have thereto in favours of the ſaid perſon that is next in Blood and Right of Succeſſion in manner foreſaid; and ſhould they refuſe or delay ſo to do, it ſhall be leiſum to and in the power of the ſaid perſon next in Blood and Right of Succeſſion, to oblige the Contraveeners to denude *ut ſupra*, by way of Declarator, Adjudication, or otherways, as may beſt conſiſt with the Laws and Cuſtom of the Kingdom in that caſe provided, the perſon ſo ſucceeding upon the ſaid Contravention Marrying *ut ſupra*, and her Husband, and Deſcendants of their Bodies, aſſuming, uſing & bearing the Sirname of *B.* Arms, Cognizance and Stile of ——, in manner and in the terms above-expreſt. And laſtly, It is hereby Provided and Declared, that it ſhall not be lawful to, or in the power of the ſaid W. B. my Son and Heirs-male of his Body, or yet to the other Heirs-male and of Tailzie above-ſpecified, to alter, innovat, or infringe the foreſaid Tailzie, or Order of Succeſſion therein appointed, or the Nature, Quality, and preciſe Terms thereof, in prejudice of the Succeſſors, and the Deeds ſo done ſhall not only be void and null, but alſo the perſon Contraveener ſhall amit and tyne all Right he or ſhe has or can pretend (by vertue of this preſent Right of Tailzie, or otherways) to the ſaids Lands, Teinds, and other foreſaids, and the next in the Order of Succeſſion who might have ſucceeded therein, (if the Contraveener were naturally dead) ſhall have Right thereto, and in full power to oblige the Contraveener to denude thereof, the way and manner formerly Appointed and Preſcribed; And with and under the which Reſervations, Proviſions, Conditions, Limitations, and Burden of the ſaids Debts, Portions and Proviſions, and Obligements relating thereto, thir preſents are granted and accepted, and Reſignations and Infeftments appointed to follow thereupon, and no otherways, Acts, Inſtruments and Documents (6) one or moe as need bees in the Premiſſes, to Ask and raiſe, and generally, *&c.* promiſing to hold firm and ſtable, *&c.* (*as in the former Stiles*) and for my ſaid Son and his foreſaids, which failzeing as ſaid is their farder Security anent the Premiſſes; I by thir preſents Aſſign, Transfer and Diſpone in their favours, all and ſundry Contracts, Diſpoſitions, Charters, Infeftments, Procuratories and Inſtruments of Reſignation, Precepts, and Inſtruments of Seaſin, Contracts and Indentures of Marches, Decreets Arbitral, Services, Retours, Precepts under the Quarter-Seal, and Seaſins following on the ſame, and haill orher Writs, Evidents, Rights, Titles and Securities whatſoever (and of whatſoever *D*ates, Tenors, Contents, Nature and Quality they be of) made and granted by whatſoever Perſon or perſons to me, my Predeceſſors, Cedents and Authors, of upon, or concerning the ſaids Lands, Baronie, Teinds, and others particularly and generally above-reſigned, with the Pertineuts; And likeways all Tacks, Aſſedations, Decreets of *P*lat and Prorogations, Valuationes, and other Rights and Securities made to me or my foreſaids, of upon, or concerning the Teinds of any of the ſaids Lands, to which I have not an heretable (but a temporary) Right, and that of

all years thereof yet to run and unexpyred Obligments to infeft, Procuratries of Reſignations, abſolute Warrandice, Aſſignation to the Writs and Evidents, Mails and Duties, Obligements for delivery of the ſaids Writs and Evidents, making the ſame furth-coming, or giving of Tranſumpts, and haill remanent Heads, Obligements, Articles and Clauſes contained in all or either of the ſaids Rights, and all Action, Purſuite, Inſtance and Execution whatſoever, competent to me in the Premiſſes, with all that has followed or may follow on the ſame, and Surrogats and ſubſtitutes my ſaid Son and his foreſaids, in my full Right, Vice and Place of the Premiſſes for ever, and hereby Admits and Declares the generality foreſaid of the ſaid Aſſignation and Right to the ſaids Writs and Evidents, to be as valid and ſufficient, and of as great Force, Strength and effect, to all intents and purpoſes, as if the ſaids haill Writs and Evidents generally above-aſſigned, transferred and diſponed, were word by word herein and at length inſert and ingroſſed, albeit not ſo done whereanent diſpences for ever: And all with and under the expreſs Reſervations, Proviſions and Conditions above-ſpecified, and with the Burden of the payment of the Debts and Childrens Portions and Proviſions above-mentioned, and liberating and relieving me and my foreſaids of the ſame, and what relates thereto in manner and in the terms above-expreſt, and in like manner I hereby make conſtitute and Ordain my ſaid Son and his foreſaids, whilk failzeing as ſaid is, my Ceſſioners and Aſſigneys, in and to the Maills Farms, Cains, Cuſtoms, Caſualities, Profits and Duties of the ſaids Lands and others above-reſigned, with the Pertinents of the Cropt and year of God —— years, and thereafter in all time-coming, and all Action competent thereupon for ever, and that with and under the ſame Reſervations, Proviſions and Conditions above-written, and with the Burden of the payment of the ſaids Debts and Portions and Proviſions of the ſaid younger Children, and relieving me and my foreſaids thereof, and what relates thereto in manner and in the termes above-rehearſed: 7 *With full power* to the ſaid *W. B.* my Son, and his foreſaids, whilks failzeing as ſaid is, to intromet with, uplift, ask, crave and receive the foreſaids Mails, Farms, Profits, Duties, Teinds and Caſualities above-aſſigned, and to uſe and diſpone thereupon at pleaſure, and to Charge and Purſue therefore, ſet and raiſe Tennents, uſe Warning, proſecute Removing, Decreets in the premiſſes, to obtain and recover, and the ſame to due and lawful Execution cauſe be put, and to do what elſe I might have done therein my ſelf before the granting of thir preſents; Obliging me my Heirs and Succeſſors, to warrand the foreſaid Procuratory of Reſignation, Reſignation and Infeftments to follow hereupon, Lands and others therein contained, together with the ſaid Aſſignation and Right to the ſaids Writs and Evidents, Mails, Duties and Teinds from my own proper Fact and Deed allennarly, but ſtill with and under the expreſs Reſervations, Proviſions, Conditions, and burden of payment of the Debts and Portions, and Proviſions above-ſpecified, and liberating and relieving me and my foreſaids thereof, in manner and in the terms above-rehearſed (8) And becauſe I as Parent, keep the Writs and Evidents in my own hand during my Lifetime, I oblige me and my foreſaids to make the ſame furth-coming to my ſaid Son, and his foreſaids whenever they ſhall have neceſſarly to do therewith, and I required thereto; And if they require Judicial Tranſumpts thereof (in the mean time) to exhibite the ſame before any Judge competent for that effect, they being at the Charges and Expenſes, and with power alſo to them after my deceaſe, to meddle and intromet with the Charter-chiſt and Writs therein of my ſaids Lands and Eſtate, as their own proper Charter-Cheſt, Writs and Evidents, and to be keeped by him and his foreſaids as ſuch at their pleaſure thereafter in time-coming: And becauſe upon the matter I

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liferent the one equal half of the Eſtate. Therefore it is agreed and condeſcended betwixt me and my ſaid Son, that I pay and relieve him and his foreſaids of the one equal half, and that he and his forefaids pay and relieve me of the other juſt and equal Half, of all Feu-duties and other Duries due and payable to the Superior, Miniſters and School maſters-Stipends, Reparation of Kirks and Kirk-yard-dykes, Communion Elements, Teind, Tack-duties, Ceſſes, Maintenances, Outreiks and Levies of Horſe and Foot, Taxations, and other publick Burdens and Impoſitions whatſoever due and payable furth of the Stock and Teind, and that of the ſaid Cropt and year —— years, and yearly thereafter, as the ſame falls due, and that during all the days of my ſaid Lifetime, and by the granting and Acceptation of thir preſents, we bind and oblige us and our foreſaids, to one another accordingly. Conſenting thir preſents be Regiſtrat in the Books of Council and Seſſion, or others competent therein, to remain for Conſervation, and conſtitutes—— my Procurators, *&c*, *Attour*, to the effect the ſaid *W. B.* may be lawfully infeft in the ſaids Lands, Barony, and others above reſigned, with the Pertinents, and that either to be holden of me, my Heirs and Succeſſors in free Blenſh, for payment of one Penny *Scots* Money, at the Feaſt of *Whitſunday* yearly, in name of Blenſh-farm, if it be asked allennarly, and relieving me of the one equal Half of the Feu-duties, and other Duties due and payable to the Superiors) or to be holden of my reſpective Superiors, as freely as I hold the ſame my ſelf, or both in his option, I hereby make Conſtitute and Ordain ——, and ilk one of you, conjunctly and ſeverally, my very lawful indoubted and irrevocable Bailzies to the effect after-ſpecified (*here inſert the reſt of the Precept of Seaſin in the ordinary, Stile but beſure that before the words in Witneſs whereof ye add theſe words, and that with and under the expreſs Reſervations, Proviſions*, Conditions and Declarations above-ſpecified, and with the Burden of the payment of the Debts and Portions of the younger Children, and releive me and my foreſaids thereof in manner and in the Terms above-expreſt, and then conclude with, in Witneſs whereof, I have ſubſcribed thir preſents (written by —) with my hand at ---- the ——— day of —— years before thir Witneſſes,

Nota, *By what written in the former, it is ſeen, the Father truſts much to the Courſe of Providence, having put his Son and Heirs under no Obligation of contracting Debt, Selling irredeemably, Wadſetting, or granting Right of Annualrents, or doing or comitting no other Fact or Deed whereby the Eſtate may be appryſed, Adjudged, or otherways evicted or forfeited, or redeemings ſuch Appryſings or Adjudications within year and day, before the Expiration of the Legal, elſe to amit and tyne the Benefite of the Eſtate, and to pertain to, and divolve upon the next in order of Succeſſion, who uſually are impowered to oblige the Contraveener to denude, and many like Clauſes to be found in the preceeding Signatures and ſubſequent Tailzies: And becauſe the Father was ſo kindly diſpoſed, I think the Son and Heirs in the Tailze, ly under the moe Obligations to live religiouſly and virtuouſly, two great Pillars and Fundations to ſupport and perpetuat an Eſtate.*

FACTORIE *by a Perſon of Quality going forth of the Kingdom, to his Confidents for Mannaging his Affairs, of a large Extent in their* Power; *and not unworthy of Obſervation, or Imitation in the Stile; So that the Subſcriver have the ſame Confidence in thoſe he Intruſts.*

BE *it kend* till all all men, by thir preſent Letters, Us I. M. of *A. &c. For ſua meikle as We* are of Intention to go out of the Kingdom for a Time; and that our Affairs and Concerns within the ſame may ſuffer by our Abſence without a ſuitable Remedy, for prevention thereof; And having Entire Confidence in *Lady E.* ——, our dear and moſt Affectionat Spouſe, *S.* P. M. of *O. J. M.* of S; and P. S. of *M.* (of whoſe Kindneſs and Affection to Us and our Intereſt, We have large Experience;) *Therefore*, wit ye Us to have Made, Conſtitute and Ordained: Likeas, VVe by thir Preſents Make, Conſtitute and Ordain the ſaid *Lady M.* of *A*, S. P. *M. J. M.* and P. S, Our very lawful and Indoubted Commiſſioners and Factors to the Effect after-ſpecified, *With full power*, Ample VVarrand, and Commiſſion to them, or any Two of them on Life for the time, (Our ſaid *Lady* being always one, if on Life,) to Enter, and Receive Vaſſals by Reſignation or Confirmation, or by Precepts of *Clare conſtat* ſimply Granted, or proceeding upon Retours, (and for ſuch Compoſitions as they ſhall think fit;) and to Grant Charters of Confirmation, Reſignation, and *Clare conſtats* for that Effect; (but ſtill without any Change or Alteration of the former Holdings, or Diminition, or Converſion of any Duties, Caſualities, or Services contained in the former Reddendos;) And in order to the ſaids Entries, to receive Reſignations in the uſual way and manner: *And ſic like*, where Tacks and Aſſedations are, or ſhall be Expired, or Lands in Tennandrie without Tacks, to Set the ſame in Tack for ſuch Duties and Services as they ſhall think fit, (not being with Diminition of our preſent Rental, or Diſpencing with the preſent and accuſtomed Services, and other Preſents due and payable furth of our ſaid Eſtate,) and for ſuch Time and Space as they ſhall judge convenient (not exceeding Three years, as to the Duration thereof:) *And* in like manner to call our Chamberlands and Factors to an Accompt, as to their Intromiſſions with our Lands and Eſtate, both Property, and Superiority, and all Omiſſions, and Commiſſions wherein they may be Concerned (relating thereunto,) and to Adjuſt the ſaids Accompts, and to Uplift and Receive our Rents, Feu-Duties, and other Duties, and Caſualities from them, and thereupon to Grant Diſcharges, whilks ſhall be Sufficient to the Receivers. And als to Intromet with, Uplift, Ask, Crave, and Receive from all and ſundry Perſons our Debitors, all Debts, and Sums of Money due and Adebted by them to us, whither by Heretable Bonds, or Perſonal Security, or any other manner of way whatſomever, als well not Named as Named, Bygone, Preſent, as to come, (Diſpenſing with the Generality foreſaid, for ever.) And upon payment Acquitances, Diſcharges, Renunciations, and Grants of Redemption, or if need beis, Aſſignations, Tranſlations, Diſpoſitions, and other Rights, and Convyances thereof, to Make, Grant, Subſcrive, and Deliver with ſuch VVarrandice on our Part, and in our Name as is Juſt and uſual, or that our Lawyers ſhall approve of, in caſe any Perſon or Perſons demand any farder than Perſonal VVarrandice, and all being done, on the Receivers of the Rights, their own proper Charges, Moyen and Expenſes, and with this Proviſion, that the ſaids Rights be Granted with, and under the Reſervations, Conditions, Declarations, and other Reſtrictions, and Limitations Introduced

and

and conceived in our Favours by any of the former Rights, and Writs ſo to be Transferred and Convyed: And likeways, in caſe of the Deceaſe, or Malverſation of any of our Baillies, Chamberlands, or Factors, or of any Members of our Courts, with Power to our ſaids Commiſſioners, or any Two of them on Life; (our ſaid *Lady* being always one, if on Life as ſaid is,) to Nominat, Creat, and appoint New Baillies, Chamberlands, Factors, and other Members in their Place, and to Grant to them Commiſſions, and Factories for that Effect, with Duration allanerlly of our Pleaſure, and Laſtly; and generally with full Power, Ample Warrand, and Commiſſion to our ſaids Commiſſioners and Truſties, or Major part of them; (our ſaid *Lady* being always one, if on Life as ſaid is) to Manage, and Improve our Eſtate to the beſt Advantage for our Uſe, Utility and Profit; and to Adminiſtrat therein, as if we were Perſonally preſent, and in particular, our Legal Affairs and Proceſſes, wherein we may be Concerned, either as Purſuer or Defender, and by our own Lawyers and Agents, their Conduct,) and to Disburſe and Expend thereupon, and in all other our Concerns, as they ſhall find Cauſe, and Judge Convenient, and if Occaſion offer, to Diſpoſe of Liferent and ſingle Eſcheats, that of the Law appertain to us of Right, and for ſuch Compoſitions as they ſhall think Expedient, (we being always firſt payed, or ſufficiently Secured for all Debts, Duties, or other Reſts the Rebels may be Adebted, and Reſting, Owing to us the time of the Gifts, or to ſuch other Perſons of our Friends and Relations, who may be Concerned in the ſaids Rebels whoſe Eſcheats are ſo Diſponed;) And in the next place, and after, our ſelves to be preferred, (if made known to our ſaids Truſties,) and to Imploy the Effects of our ſaid Eſtate, and Caſualities for payment of Annualrents, and principal Sums due by us, and that to any of our Creditors they ſhall pleaſe from time to time; or as they upon any neceſſary Emergent, (and for our Utility and Profit) ſhall find Convenient, promiſing to hold firm and Stable, all and whatſomever things our ſaids Commiſſioners and Truſties righteouſly do, or lawfully Lead to be done, and with this Proviſion and Condition always, that they make Compt, Reckoning, and payment to us, of their Intromiſſions, by vertue of thir Preſents, (deducing and allowing to them their Juſt and neceſſary Expenſes;) and which Commiſſion is hereby Declared to Continue, and Endure, during our Abſence forth of this Kingdom allenerly, (here Inſert the Clauſe of Regiſtration for Conſervation) and ſo follow furth the ordinary Stile.

The next Subject-Matter I fall upon is, Submiſſions and Decreets Arbitral following thereupon; and I begin with the Submiſſion paſt betwixt Sir G. M. *of* C. *General to His Majeſties Forces in* Scotland, *and* R. G. *younger of* G.

THis *Blank* on the other ſide hereof, Subſcribed by *S. G. M.* (Deſigned *ut ſupra,*) on the one part; and R. G. (Deſigned *ut ſupra,*) on the other part, is to be Filled up with the Final Sentence and Decreet Arbitral, to be given and Pronounced by Sir *John Cunninghame* of *Lamburghtoun* Advocat, as Judge Arbitrator, and amicable Compoſitor, Neutrally and Mutually Elected, Nominat and Choſen by both Parties: And to the which Judge Arbitrator, both the ſaids Parties have Submitted, and by thir Preſents Submite, all Claggs, Claims, Debates, and Contraverſies ſtanding betwext them, and ſpecially that Debate and Contraverſie betwixt the ſaid *S. G.* as Superior of the Lands of *C.* with the Pertinents; and the ſaid R. G. as Appryſer thereof, annent the Entry to the ſaids Lands of ——, Craved by the ſaid R. G. from the ſaid Superior; And anent the Holding of the Lands

and Change thereof, Granted in Favours of Umquhile *G.* of *E.* by the Deceast *S. L. F.* of *L.* and R. M. of ——, with Conſent of his neareſt of Kin, conform to their Clames and Anſwers to be given in by them to the ſaid Arbitrator thereanent, with Power to the ſaid *S. J. C.* (as Arbitrator foreſaid) to Decide, Determine, and Give furth, and Pronounce his Final Sentence Arbitral therein, betwixt the Date hereof, and the —— Day of —— next to come: Likeas, the ſaid *S. J. C.* has Accepted, and by thir Preſents Accepts in, and upon him, the Deciſion of the ſaids Matters particularly and generally Above-ſubmitted, and Faithfully Promiſes, to Meet and Treat thereupon, and Pronounce, Give forth and Deliver his Final Sentence and Decreet Arbitral therein, betwixt and the ſaid Day. And however, it ſhall pleaſe the ſaid *S. J. C.* to Decide and Determine in the *Præmiſſes* betwixt and the ſaid Day; Both the ſaids Parties Bind and Oblige them, their Heirs and Succeſſors to Stand, Remain, and abide thereat, Underly and Fulfill the ſame to One another; conform to the Decreet Arbitral to follow hereupon in all Points: And that but any Appellation, Reclamation, Obſtacle, or again calling whatſomever, under the Pain of —— *Scots* Money, to be payed by the Party Failzier, to the Party Obſerver, or willing to Obſerve the Premiſſes; And by, and attour the ſame, and together therewith. Conſenting thir Preſents (with the Decreet Arbitral to follow hereupon,) be Inſert and Regiſtrat. (*Here follow forth the Regiſtration, as Enjoyned Page* (7) uſque ad finem.

Nota, 1. *At times, Submiſſions are general, Submitting all Claggs, Claims, Queſtions, Debates, Contraverſies, Actions, Suits of Law, Debts, Sums of Money, and what elſe Debateable, and Contravertable betwixt the Parties; and which they may any ways Ask, Seek, or crave of one another, and have to Lay to others Charges upon whatſoever Ascompt, or for whatſoever Cauſe, Fact, Deed, or Occaſion preceeding the Day and Date hereof, conform to their reſpective Claims and Anſwers, to be given in by either Party againſt Others thereanent to the Arbiter.*

2. *At other times, Submiſſions bear to ſubmite* ut ſupra, (*which is general as to that part,*) *and then it bears thir Words,* and ſpecially, (but prejudice of the Generality foreſaid) *Such a particular Affair,* (*and probably Moe than One,*) *and in that Caſe the Submiſſion is both General and Special.*

3. *At other times, Submiſſions only bear ſuch a particular Affair,* (*and no Generality at all*) *and ſo but a ſpecial Submiſſion; But whither the one way or the other is no Matter, and the Writter is to be Determined in that by the Parties.*

DECREET ARBITRAL *Following upon the former Submiſſion.*

AT *Edinburgh*, the —— Day of —— Years, *anent* the Submiſſion within Written, Made and Subſcribed by *S. G. M.* of *C.* Major-General to His Majeſties Forces in *Scotland*; And R. G. younger of *G.* on the one and other Parts, to *S. J. C.* of *L.* Advocat as Judge Aribitrator, and Amicable Compoſitor Neutrally and Mutually Elected, Nominat and Choſen by both of them in manner within expreſt: Mentioning that they Submitted to him as Judge Arbitrator foreaſaid, all Claggs Claims,

Claims, Queſtions, Debates, and Contraverſies ſtanding betwixt them, and ſpecially, that Debate and Contraverſie betwixt the ſaid *S. G.* as Superior of the Lands of *C.* with the Pertinents; And the ſaid R. G. as Appryſer thereof: anent the Entry to the ſaids Lands of *C*, Craved by the ſaid R. G. from the ſaid Superior: And anent the Holding of the ſaids Lands, (and Change thereof) Granted in Favours of Umquhile R. G. of *C.* by the Deceaſt *S. L. F.* of *L.* and R. M. of *F.* with Conſent of his neareſt of Kin: with Power to the ſaid *S. J.* to Determine and give forth his Final Sentence Arbitral therein, to which the ſaid Parties are Obliged to Adhere, and to Fulfill and perform the Same to one another, under the Penalty within ſpecified attour Performance, as the within Written Submiſſion more fully Proports. And the ſaid *S. J.* having Accepted in, and upon him the Deciſion of the ſaids Matters Debateable, and Contravertable betwixt the ſaids Parties, the ſaid R. G. Compearing before the ſaid Arbitrator; and who for himſelf produced an Diſpoſition Dated the —— Day of —— years, Granted by the ſaid Deceaſt *S. L. F.* of *L.* (therein, alſo Deſigned Superior of the Lands and others Under-written,) with Conſent of R. M. of *F.* in Favours of R. G. of *H.* and B. G. his Spouſe, and Longeſt Liver of them Two in Conjunct-Fee; and the Heirs Male betwixt them, whilks Failzieing; to the ſaid R. his other Heirs Male and Aſſigneys whatſoever, in Feu-Farm and Heretage for ever, of all and ſundry the Towns and Lands *reſpective* after-ſpecified. *viz.* (*Here the Lands and others were Inſert, and then*) lying within the Barony of F. Earldom of S. and Sheriffdom of *Old* of *J.* now of ——, and Obliged him to Infeft them therein, to be Holden of his Lordſhip, his Heirs and Succeſſors in Feu-Farm, for Payment of 20 *lib.* Money of this Realm yearly, at *W.* and *M.* by equal Portions, and Doubling the ſaid Feu-Duty the firſt year of the Entry of each Heir. *Item*, an Charter Granted by his Lordſhip to the ſaid R. G. his ſaid Spouſe, and their foreſaids of the Date of the ſaid Diſpoſition, and in the Terms above-written. *Item*, an Ratification Granted by the ſaid Deceaſt R. M. (with Conſent of H. M. of —— his Brother-German; and *J. M.* of *O.* as neareſt of Kin to him then of perfect Age,) In Favours of the ſaid R. G. his ſaid Spouſe, and their foreſaids of the ſaid Right of Feu, Dated the —— Day of —— years; And which Diſpoſition and Ratification are Regiſtrat in the Books of Council and Seſſion the —— Day of —— Years; And Craved that ſince the ſaid R. G. had now Right to the ſaids Lands by vertue of an Appryſing, that the ſaid *S. G.* as Superior thereof, might Grant to him an Entry therein, or to any Perſon he ſhould Diſpone the ſame to, and that he might Subſcrive an Charter for that Effect in the Terms of his Author's Charter above-ſpecified, & for which he was Content to pay a reaſonable Compoſition; And the ſaid *S. G. M.* compearing before the ſaid Arbitrator for himſelf produced the Writs following, *viz.* an Decreet of Appryſing deduced at his Inſtance the —— day of —— years, againſt *J. M.* now of *F.* for himſelf; and as lawfully Charged to Enter Heir in ſpecial to the Deceaſt R. M. of *F.* his Father the Deceaſt R. M. his Grand Uncles Son; the Deceaſt *S. H M.* of *F. S. H. M.* of F. his Son, or an or other of them who Dyed laſt, Veſt and Seaſed in the ſaids Lands and Barony of *F.* with the Parts and Pendicles: particularly with the Superiority of the ſaids Lands of *C.* with the Pertinents, with certain Contracts, Reverſions, and other Writs and Evidents competent, or that might be competent to him if he were Entred Heir to them as ſaid is, of, and concerning the ſaids Lands and Superiorities; And namely an Contract paſt betwixt the ſaid *S.* Lord *L.* and the ſaid Deceaſt R. M. of F. whereby, as the ſaid R. Diſponed the ſaids Lands, Superiorities, and his whole other Eſtate to

his Lordſhip; So his Lordſhip granted the Reverſion thereof *in gremio* to the ſaid R. M. his Heirs Male, and which Contract is dated the —— day of ——— years; and an other Bond granted by his Lordſhip (relative thereto) Obliging him to perform diverſe other Heads concerning the ſaid Eſtate, and Reverſion thereof in Favours of the ſaids Heirs-Male; And another Contract dated the —— day of ——— years, betwixt *H.* Lord *F.* of *L.* Son and Heir to the ſaid *S.* Lord *L.* and who ſtood Infeft in the ſaids Lands and Eſtate; And the Deceaſt C. R. M. Tutor of *F.* whereby his Lordſhip acknowledged the Tenor of the ſaid Reverſion ſatisfied by Intromiſſion, and otherways; And therefore Obliged him and his Heirs, to Denude *omni habili modo*, of the ſame in Favours of the ſaids Heirs Male of *F.* and to perform ſeveral other Conditions relating thereto, Reverſions, Teinds, and others belonging to the ſame, for payment to the ſaid S. *G.* of the Sums therein-ſpecified extending in manner therein-mentioned, and allowed by the Lords the 27 day of the ſaid Moneth. *Item*, another Appryſing of the ſaids Lands and Eſtate, the Lands of *C.* Fiſhings thereof, and others, and all Right of Reverſion of the ſaid Eſtate, and all other Right competent of the ſame, Led, and deduced at the Inſtance of the Deceaſt *J. C.* of *D.* againſt the Deceaſt *H. M.* Brother Son, and lawfully Charged to Enter Heir to the Deceaſt R. M. of F. his Father-Brother, and his Tutors and Curators the 25 day of *January*, 1648 years, Allowed by the ſaids Lords the 28 of the ſaid Month, for payment of the Sums therein expreſt. *Item*, the ſaid S. *G.* his Right and Diſpoſition to the ſaid Appryſing, and upon which Two Compryſings the ſaid *S. G.* ſtands now Infeft in the ſaids Barony of *F*, *C.* and others foreſaids. *Item*, an Decreet obtained by the ſaid *S. G.* before the Lords in *November*, 1669 years, againſt the late Deceaſt *H. L. L.* as lawfully Charged to Enter Heir to his Deceaſt Father; and the ſaid Deceaſt *H.* and S. Lord *F.* his Grand and Great-Grand-Fathers, finding and declaring the ſaids Lords of *L.* their Right to the ſaids haill Lands and Eſtate of *F.* to be ſatisfied, and extinct by payment of all the Debts reſting to them By, or wherein, they ſtood Ingaged for the Family of *F.* And the Reverſion granted by them to the ſaids Heirs Male of *F.* thereby fulfilled. And therefore, Ordaining the ſaid late Deceaſt *H. L. L.* to Denude in Favours of the ſaid S. *G.* of the ſaid Barrony of *F. C.* and others pertaining to him, and to grant Diſpoſitions, Procuratories, and others neceſſary and requiſit for that Effect. *Item*, an Warrand obtained by the ſaid S. G. from the ſaids Lords, Ordaining the Director of the Chancellary to emitt Precept for Infefting him therein, as he who Diſcuſſed the ſaid *L: L:* and uſed exact Diligence againſt him by horning, and otherways; and according whereunto, he was infeft: And after the ſaid Production, the ſaid S: G. declared, he as Superior was content to Receive the ſaid R: G: in Vaſſel, in the ſaids Lands of *C.* with the Pertinents upon payment of an years Rent, conform to the Act of Parliamett, and Holding the Lands by Service of Ward, and Relief of the ſaid Superior and his Succeſſors, as the ſaid Deceaſt R: *G:* Held the ſame before the ſaid pretended Right of Feu: As the ſeveral Claims given in by both Parties thereanent bears, the Rights, Reaſons, and Allegations of both Parties together with their ſeveral Clauſes, Anſwers, and Inſtructions thereof aforeſaid, being by the ſaid Arbiter, Heard, Seen, and Conſidered; and he, therewith being well and Ripely Adviſed, (and having alſo GOD and a good Conſcience before his Eyes,) he has given forth and Pronounced, and by this Preſents, gives furth and pronounces his Decreet, and Final Sentence Arbitral in the ſaid Matter as follows: *In the firſt*, the ſaid Judge Arbitrator finds, that the ſaid Diſpoſition and Charter granted by the ſaid S: L: L: (with Conſent of the ſaid Deceaſt R: M: of F:) whereby the ſaids Lands of *C.* and others foreſaids, pertaining to the ſaid Deceaſt R: G.

were

were changed from Ward to Feu, are reduceable at the Inſtance of the ſaid S: G: as he who has now Right thereto, by Appryſing deduced againſt the ſaid *J:* and *H: M:* as lawfully Charged to Enter Heirs reſpective to the ſaid Deceaſt R: M: who Diſponed to the ſaid S: L: L, and as he who has Reduced and Extinguiſhed the ſaid Lord his Right by the ſaid Decreet of Declarator, and conſequently, that the ſaid S: G: who is now Superior of the ſaids Lands of C, and others foreſaids belonging thereto, is not Holden and Obliged to grant the ſaid R: G: a Feu-Charter upon his ſaid Appryſing; but only a Charter to be Holden of him and his Succeſſors Ward, as the Lands were Holden before the granting of the ſaid Diſpoſition & Feu-Charter; and that the Conſent of the ſaid Deceaſt R: M: of *F*, & Ratification of the ſaid H. M. of C. & R: M: of O: as then neareſt of Kin of Age, does not perfect & Corroborat the ſaid Diſpoſition and Charter of Feu, in regard it is not Inſtructed that they were Served or Infeft as Heirs-Male to the ſaid Deceaſt R, who Diſponed the Eſtate to the ſaid S. L. L; & having likeways taken Tryal, and Information anent the Rental and yearly Duty of the ſaids Lands, Feu, and now Ward-Lands; The ſaid Judge Arbitrator finds the ſame to be about Six Chalders of Victual; or Six Hundreth *Merks* (Compting Victual at an 100 *Merks* the Chalder;) and having regard to the Deduction for Teind; and that the ſaid B. *G.* who was Infeft Joyntly with the ſaid Deceaſt R. G. her Husband, in *anno* 1628 is yet Living: By thir Preſents Decerns, and Ordains the ſaid R. G. to pay to the ſaid S. G. as Superior foreſaid, the Sum of 300 *Merks* in name of Compoſition for his Entry: And likeways, Decerns the ſaid S. G. upon payment thereof, to Infeft the ſaid S. R. G, or any Perſon he ſhall Conſtitute Aſſigney upon his ſaid Appryſing, in the ſaids Lands of C. with the Pertinents mentioned in the ſaid late Feu-Charter, and to Subſcrive a Charter for that Effect, to be Holden of the ſaid S. G, and his Succeſſors in the ſaid Superiority, by Service of Ward, and Relief, and for Payment of the Duties, Rights and Services thereof, Uſed and Wont. And the ſaid Judge Declares, that this his Diſcerniture ſhall be, but prejudice of any Action competent to the ſaid R. G. againſt the Repreſentatives of theſe who Feued out the ſaids Lands as accords; And this his Decreet Arbitral to all whom it effeers, he hereby notifies and makes known, and ordains the ſaids Parties to Fulfill the ſame to One another, conform to the Tenor thereof in all Points; And the Party Failzier to pay to the Party Obſerver, or willing to Obſerve the ſame, the Penalty within-mentioned attour Performance; And the ſaid Judge Decerns, and the ſaids Parties Conſent the ſaid Submiſſion and Decreet Arbitral, to be Regiſtrat in the Books within-ſpecified that an Decreet be Interponed; And Letters thereupon paſs in manner, and on the days within-expreſt; In Witneſs whereof, the ſaid Judge in token of his Acceptance Subſcribed the ſaid Submiſſion, and the ſaids Parties have Subſcribed the ſame with this Blank now filled up with their Hands, Day, Place, Year, and before the Witneſſes within-mentioned; And the ſaid Judge has Subſcribed the ſaid Decreet Arbitral, Day and Place above-ſpecified, before thir Witneſſes.

At other times Submiſſions are made, and the Parties nominat two Arbitrators the hand, with Power to the four (or major pars) to determine, and at other times there is an Overſman nominat (in caſe of Variance) and at other times the Parties nominat no Overſman, but give power to the Arbitrators, (in caſe of Variance amongſt themſelves) to chooſe and nominat an Overſman, (as in the caſe following) but in this there is no certain Rule, being optional for the Parties to ſubmit in what Terms they pleaſe, to whom they will, and with what Latitude or Limitations they think fit, and becauſe of that & that there is a Submiſſion already ſet down, I omit it here.

DECREET Arbitrial pronounced by the Overſman, nominat by the Arbitraors not the Parties.

AT --- the --- day of --- --- years, anent the Submiſſion within ſpecified, made and ſubſcribed by the within named *P.* S. of *M.* on the one part, and by the within named T. G. younger of B. for himſelf, and taking Burden on him for I. G. of B. his Father on the other part, to the within named I. H of M. as Judge Arbitrator and Amicable Compoſitor Elected, Nominat and Choſen for the part of the ſaid P. S. and to the within named M. I. B. of B. as Judge Arbitrator and Amicable Compoſitor elected, nominat and choſen for the part of the ſaid T. G. and in caſe of Variance betwixt them, to anie perſon the ſaids Arbritators ſhould pleaſe choiſe as Overſman, of all and whatſomever, Clags, Claims, Queſtions, Debates, Contraverſies, Actions, Suites of Law, and others whatſomever Debateable and contravertable betwixt the ſaids Parties, conform to the reſpective Claims and Anſwers to be given in by them to the ſaids Arbritrators (or Overſman in caſe of variance betwixt them) thereanent (holden as for expreſt in the ſaid Submiſion *brevitatis cauſa*) with Power to the ſaids Judges Arbitrators, or in caſe of variance betwixt them to the Overſman, to have been nominat and appointed by them, to meet and treat thereupon, and to pronunce and give furth Sentence therein, betwixt and the day within expreſt, and however the ſaids Judges (or Overſman) determined, the ſaids Parties obliged them their Heirs and Succeſſors to ſtand, remain and abide thereat, and to underly and fullfill the ſame to one another, conform to the Decreet Arbitral to follow thereupon, in all Points, but anie Appellation, Reclamation, or again calling whatſomever, under the Penaltie within mentioned, attour Performance; and the Deciſion of which Matters, the ſaids Judges Arbitrators accepted in and upon them, and after ſeveral Meetings had therein, and not agreeing, nominat, elected and chooſed S. *I.* C. of *L.* Advocat to be Overſman, and devolved the Power in his favours, & perſon in manner written on the end of the ſaid Submiſſion, upon the --- day of --- laſt by paſt, and accordinglie the ſaids Parties having made Application to the ſaid S. I. C, earneſtlie intreating him to accept of the ſaid Reference made to him as Overſman by the ſaids Judges Arbitrators for deſiding of the ſaids Debateable Matters, the ſaid S. *I.* C. accepted in and upon him the Deciſion thereof, and both Parties having in order thereto, given in and exhibite to the ſaid S. I. C. as Overſman foreſaid, their reſpective Claims and Anſwers made thereto *hinc inde*: together with their reſpective Rights and Infeftments, and other Documents, Inſtructions and Adminicles requiſit for clearing their ſeveral Pretenſes: all which the ſaid S. I. C. as Overſman foreſaid, not onlie read and peruſed at full length, but alſo (and for his better Information and greater Satisfaction in the matter) conveened the ſaids Parties before him, and heared them fullie as to all Points, in differ and contraverted betwixt the ſaid P. S. and the ſaid T. G. and his ſaid Father, and the ſaid S. I. C. as Overſman foreſaid, (after great Pains, ſerious Conſultation and mature Deliberation had and taken by him in the matters debateable and contravertable betwixt them, and contained in either Parties Claim, and having God and a good conſcience before his Eyes, has pronunced, given furth and delivered and by thir preſents pronunces, gives furth and delivers his Decreet and final Sentence arbitral upon the whole matter as follows: In the firſt: (here I omit the particulars decerned as extraneous to Stile, and but the concern of privat perſons, relating to manie particulars, as *Debt*, *Propertie* of a *Miln*, Incroachments upon a Forreſtrie and the like, and Abſolvitor as to ſome particulars, and *Annual*rent as to Sums advanced albeit the Ground thereof did not bear ſo, but a Letter of Credit and *Damnage* in other Caſes modified, and a clear March for the future layed down as to the Miln and Forreſtrie, and then follows) *And finally*, the ſaid Overſman decerns and ordains both *Parties* to fullfill the Premiſſes to one another, under the *Penaltie* within expreſt, to be payed by the *Partie* Failzier to the Partie Obſerver or willing to obſerve the ſame, and that by and attour Performance thereof, and together therewith, and the ſaids *Parties* Submitters conſent, & the ſaid Overſman, ordains this preſent Decreet with the Submiſſion, Reference and Acceptation vvithin vvritten, to be inſert & regiſtrat in the Books vvithin ſpecified, that an *Decreet* of the Judges vvithin mentioned, may be interponed

poned thereto, and all Execution paſs thereupon, in manner and upon the days vvithin expreſt, and the ſaids parties conſtitute the vvithin named *Advocats* their procurators, *&c.* for that effect, in witneſs whereof the ſaids parties have ſubſcribed thir preſents (written by —) vvith their hands, day, Month, year and place and before the Witneſs within named and the ſaid Overſman, has ſubſcribed thir preſents vvith his hand, day Month, year of God and place reſpective foreſaids, before thir Witneſſes.

Nota, *This being a Decreet, I know no Reaſon why there ſhould be Witneſs to the Judges Subſcription, or that by whom written ſhould be mentioned (as in other Papers which the Law appoints) but being cuſtomarie to obſerve, it is no Error.*

Præceptum Clare Conſtat.

IM. A. Superior Terrarum, aliorumque ſubtus ſcriptorum, cum pertinentiis, dilectis noſtris —— & veſtrum cuilibet, conjunctim & diviſim, Ballivis noſtris in hac parte, ad effectum ſubtus ſpecificatum, ſpecialiter conſtitutis, *Salutem* quia per (2) Authentica Inſtrumenta & *Documenta*, coram nobis exhibita, & oſtenſa *Clare Conſtat*, & eſt notum (3) quod quondam I. G, Portionaria de G. & mater R. C. filii legitimi natu maximi A. C. filii legitimi natu maximi P. C. Portionarii de G. procreati interdictum, A. & I. C. latoris preſentium, obiit ultimo veſtita & ſaſita, ut defeodo ad fidem & pacem, in tota & integra quinta parte Villæ & Terrarum de G. cum Domibus, *&c.* (ut in Saſina) jacente infra Parochiam de F. Baroniam de G. & Vicecomitatum de P. & quod præfatus, R. C. eſt legitimus & propinquior hæres prænominatæ quondam I. G. ejus matris Et quod eſt legitimæ Ætatis, & quod prædictæ Terræ de nobis & hæredibus & ſucceſſoribus noſtris in Feudefirma immediate in capite tenentur, pro annua ſolutione totarum Feudefirmarum, aliarumq; divoriarum cariagiorum & ſervitiorum in originalibus in : Feofamentis prædeceſſoribus, dictæ I. G. de ſuper conceſſis contentorum, vobis igitur præcipimus & firmiter mandamus quatenus viſis preſentibus, indelate ſtatum ſaſinam hæreditariam pariter & poſſeſſionem actualem realem & corporalem, totius & integræ predictæ quintæ partis dictæ villæ & terrarum de G. cum domibus (ut in ſaſina) jacentis ut prefertur denominato R. C. tanquam legitimo & propinquiori hæredi prædictæ, I. G. ejus matris, vel ſuo certo Actornato latori preſentium, per terræ & lapidis fundi dictarum terrarum ſuper ſolo earundem iis traditionem et deliberationem ut moris eſt ſecundum formam et tenorem, hujuſmodi in omnibus, et quod de nobis inde habetis : iuſte haberi faciatis tradatis et deliberetis, et hoc nullo modo omittatis, ad quod faciendum vobis et veſtrum cuilibet conjunctim et diviſim, ballivis noſtris in hac parte antedictis, noſtram plenariam et irrevocabilem (tenore preſentium) committimus poteſtatem (ſalvo iure noſtro proprio & iure cuiuſlibet prout de iure) in cuius Rei Teſtimonium (huic preſenti Precepto noſtro Clare Conſtat, ex chirographo M. I, D. filii legitimi G. D. de S. manibuſque noſtris ſubſcripto) Sigillum noſtrum proprium eſt appenſum, apud —— —— die menſis —— anno domini milleſimo ſexcenteſimo —— coram his Teſtibus.

Nota, *There is another* clare conſtat *founded upon a ſpecial Retour, and differs from the former in nothing, but the leaving out the words betwixt the ſecond and third Figure in the former ; and in place thereof add theſe words,* Inquiſitionem factam & ad Cancellariam *S. D.* N. Regis Retornatam compertum eſt, Quod, *and then follow forth the former Draught,* uſque ad finem.

Nota, *Some Superiors will have the Feu-duty, Carriages, Services, and what elſe in the* Reddendo *of the laſt Feu, Charter particularly ſet down in the* clare conſtat, *which is no prejudice to the Vaſſal, (and juſt for the Superior to have, if he deſire it) for ſhould the Superior intend Improbation, Reduction or Declarator of the Vaſſals Right, he would be obliged to produce the laſt Infeftment bearing the particular* Reddendo, *even albeit there be a* clare conſtat *in the general Terms, becauſe it refers the ſpecifick Duties to the original Infeftment ; whereas, were the* clare conſtat *ſpecial as to the* Reddendo, *it would ſatisfie the Production.*

TACK, (*or rather Subtack*) *be the principal Tacksman, to an Heretor of his Teinds, Parsonage and Viccarage, and containing also a Ratification of the former Tack.*

BE it kend to allMen be thir presents Letters, *We.* G. Earl of C. Lord S. *&c.* and principal Tacksman of the Teinds, Sheaves of the Parochin of *L.* and Viccarage-Teinds of the same, and thereby having undoubted Right and Intereſt thereto, and to use and dispone thereupon at our pleasure in time coming, during the haill space contained in our Tacks and Rights thereof. Forsuameikle as the deceast Noble and Potent Earl, *G. E.* of *C*, *&c.* as Tacksman of the Teinds, Sheaves, and Viccarage-Teinds of the said Parochin, be his Letter of Tack and Assedation, of the date the 20 day of *November*, 1599 years, (for the Causes therein specified) Set in Tack and Assedation to the deceast A. S. (Grandfather to G. S. now of F.) and *J. G.* his Spouse, and longest Liver of them two, during all the days of their lifetime; and after their decease, to the Heirs-male to have been gotten betwixt them; which failzieing to the deceast A. his Heirs-male and Assignies whatsoever, for the space of nineteen years, all and haill the Teinds, Sheaves of all and haill the Towns, Lands, and others of the Baronie of *F.* with the Viccarage-Teind of the same, and universal Emoluments, Casualities and Pertinents belonging thereto, used and wont, (except the Teind Sheaves of R. Set off before to A. H. conform to the Tack made thereanent) lying within the said Parochin of L. and Sheriffdom of C. beginning their Entrie to the said Viccarage-Teinds, at *Beltan* then next; and to the said Teind-Sheaves at *Lambmass* thereafter, for yearly payment of 28 pound *Scots* Money, for the saids Teind-Sheaves, and 40 Shilling money foresaid, for the said Viccarage-Teinds, as Teind silver of the same; extending in all to 30 pounds Money above written, at two Terms, in the year *W.* and *M.* be equal Portions, beginning the first Terms payment at *W.* 1600 years, and so forth thereafter, during the haill space of the said Tack, as the same of the date foresaid in it self more fully proports. and we taking to consideration, the Cause for which the foresaid Tack was granted, being partly for love and favour, and partly for onerous Causes; and als that there is several years of the said Tack yet to run, whereinto the G. S. now of F. has Right as Heir to his said Grandfather; And we being most willing, not only to Ratifie and Homologat, but also to Prorogat the foresaid Tack, in manner, and for the Causes after specified. Therefore, (and for the love and favour which we have and bear towards the said G. S. and for good, faithful and thankful Services done and performed to us and our Family be him; and for his Encouragement to continue and persevere in performing the like dutiful Services for the future; and likeways for Sums of Monie payed and delivered be him to us, at and for the making and granting of thir Presents, whereof we grant the Receipt, and Discharges him thereof for ever: as also for certain other onerous Causes, good Respects and Considerations moving us.) *Wit ye us*, not only to have Ratified and Approven, and be thir Presents Ratifie and Approve the foresaid Tack and Assedation, granted be the said deceast *G.* E. of C. our great Grandfather to the said deceast *A.* S. and his said Spouse, and their foresaids, in the haill heads, Articles and Clauses thereof, during the haill space therein contained as yet to run, and promises never to reduce, quarrel or impugn the same or come in the contrare thereof, directly or indirectly in Judgement, nor outwith the same in time coming; but also to have of new Set, and in Tack and Assedation Letten, and be thir Presents Set, and in Tack and Assedation for the onerous Causes above-written, and others moving us as said is. And alse for the Tack-dutie underwritten, Let to the said *G. S.* now of F. and the Heirs-male lawfully procreat, or to be procreat of his Bodie; which failzieing, to his Heirs-male and Assignies whatsoever, all and haill the foresaid Teind-Sheaves, and Viccarage-Teinds of the foresaids haill Towns, Lands, and others of the said Lairdship and Baronie of *F.* and universal Pertinents, Emoluments and Casualities belonging thereto, used and wont lying as said is, (excepting in manner above excepted) and that for all the days, space, years and Terms of 7 -- years next and immediatly following their Entrie thereto, be vertue of thir Presents, which is hereby declared to be as follows,

lows, *viz.* to the ſaid Teind-Sheaves, at the firſt Term of *Lambmaſs*, and to the ſaid Viccarage-Teinds, at the firſt Feaſt and Term of *Beltan* next, and immediatly following the Iſh and Expiration of the foreſaid Tack, granted be our ſaid great Grandfather, and Ratified and Approven be us as ſaid is, when the ſame ſhall happen; and thereafter to continue and endure, during the haill ſpace of this preſent Tack, and ay and while the Iſh thereof, but Interval or breach of Terms. *With full power* to the ſaid *G. S.* and his foreſaids, during the ſaid ſpace, to Teind, Lead, Stouck, Stack, Collect, Intromet with, Uplift, Ask, Crave and receive the foreſaid Teind-Sheaves, and Viccarage-Teinds of the ſaids Lands, and others above mentioned, (excepting as is above excepted) and to apply the ſame to their own proper uſes, Inhibitions thereupon to raiſe, and cauſe be ſerved, Actions of Spulzie, wrongous Intromiſſion, and others requiſite thereanent, to intent, move and purſue before whatſoever Judge, or Judges competent; Decreets thereanent to recover, Letters thereupon to raiſe, and the ſame to due Execution cauſe be put, Compone and agree thereanent, and thereupon to grant Diſcharges, and to do all other things anent the Premiſſes, as freely in all Reſpects, as we might do therein our ſelves, before the granting of this preſent Tack and Aſſedation: which we Bind and Oblige us, our Heirs and Succeſſors, to Warrand, Acquit and defend to be good valide, and ſufficient to the ſaid G. S. and his foreſaids, during the ſpace above ſpecified, at all hands, and againſt all deadly; *Paying* therefore yearly the ſaid G. S. and his foreſaids, to us, our Heirs and Aſſignies, Factors or Chamberlains in our name, having our Power for the time, the foreſaid Sum of 30 pounds of Tack-dutie contained in the former Tack, whereof 28 pounds money for the ſaid Teind-Sheaves, and 40 ſhillings Money foreſaid, for the ſaid Viccarage-Teinds in name of Tack-dutie, and that at two Terms in the year, *W.* and *M.* be equal Portions, beginning the firſt Terms payment thereof at the firſt Term of *W.* after their ſaid Entrie, and ſua forth yearly and termly thereafter, at the ſame Terms, and be equal Portions as ſaid is, during the haill ſpace of this Tack, and ay and while the Iſh and expiration thereof, for all other Burden, Exaction or Demand that can be any ways asked, or required forth of the ſaids Teinds Parſonage or Viccarage, be whatſoever perſon or perſons in time coming, during the ſaid ſpace. *Follows the Clauſe of Regiſtration.*

TACK betwixt an Heretor and his Tennent.

AT —— the —— day of —— —— years. It is Contracted, Agreed and Ended betwixt *A. B.* of —, and *J. M.* in ——, on the one and other parts, in manner following; *That is to ſay*, the ſaid *A. B.* has Set, and in Tack and Aſſedation (for the Duty under-written,) letten and by thir preſents, Sets, and in Tack and Aſſedation (for the Duty under-written,) lets to the ſaid *J. M.* and his Heirs and Sub-Tennents (of no higher Degree than himſelf,) all and haill the ſaid *A. B.* his Lands of —, (*here inſert all agreed upon to be Set, whither only Stock, or Stock and Teind, and then ſay*) lying within the Parochin of ——, and Sheriffdom of ——, and that for all the Days, Space, Cropts, and Years of ——, next and immediatly following the ſaid *J. M.* his Entry thereto, which for the Houſes and Graſs, is to be and begin at the Term of *W.* next to come, and as to the Lands at the ſeparation of the Cropt from the Ground the ſaid Year, and ſo furth to continue and endure, and to be peaceably Poſſeſſed, Bruiked and Enjoyed by him and his foreſaids, during the haill ſpace of this preſent Tack, and ay and while the full Iſh and Expiration thereof, but any interval, interruption, or breach of Term whatſomever; And the ſaid *A. B.* Binds and Obliges him, his Heirs, Executors and Succeſſors, to warrand, acquit and defend this preſent Tack to the ſaid *J. M.* and his foreſaids, during the ſpace above-ſpecified, at all Hands and againſt all Deadly: For the whilks Cauſes, the ſaid *J. M.* by thir

Preſents, faithfully Binds and Obliges him, his Heirs and Executors, to content and pay to the ſaid *A.B.* his Heirs and Aſſigneys, all and haill (*here take in the Tack-duty, both Victual and its Quality, Silver-rent, Cuſtoms and Carriages, according to the pure Agreement betwixt the* Parties, *and then ſay*) and that yearly during the whole ſpace of the ſaid Tack, beginning the firſt Years Payment of the ſaid Victual-duty betwixt *Yule* and *Candlemas* —— Years, and the firſt Terms Payment of the ſaid Money-rent at the Term of ——, and the firſt Terms Payment of the Cuſtom-Wedders at ——, and of the Hens and Capons at ——, and of the Arrages and Carriages at the times uſed and wont, and ſo furth Yearly and Termly thereafter, at the terms and times of Payment above-mentioned, during the whole ſpace of the ſaid Tack. And both Parties Bind and Oblige them and their foreſaids, to fulfil and perform the ſaid Tack to one another, and the Party Failzier to content and pay to the Party Obſerver, or willing to obſerve the ſame, the Sum of —— Money foreſaid (in name of liquidat Penalty in caſe of Failzie,) and that by and attour the ſame, and together therewith. *After this inſert a Clauſe of Regiſtration according to the Stile of Contracts, and you will find a Horning upon the ſame Contract*, Page 438.

Nota, *In ſome Tacks there is a Miln ſet with the Land, which pays either a Victual-duty, (as for the moſt part they do,) or Silver-rent, which falls out ſeldom; but however it go, the Victual-duty ordinarly is payable at the* Lambmas, (*at which Term the Tacksman enters to the Miln,*) *at the next Term of* Lambmas *after the Entry* (*being a full Year;*) *but ſome Tacksmen oblige themſelves to pay the Victual-duty, at the ordinar Term of Payment of Victual,* (*without diſtinction,*) *and take their hazard of the Thirlage; and if Money-rent, at the* Lambmas *after the entry. And ſome Millers pay Cuſtoms and a Gatt; and in the caſe foreſaid of a Miln, the perſons Thirled muſt be obliged to maintain the Dams and Water-gangs, and the Heretor bound to maintain the Thirlage, according to uſe and wont, and both Heretor and Miller bound to one another to maintain the Miln in Walls, Door, Roof, Spouts, Wheels, and Stooll, and the like, by halfs, or two part and third, according to the cuſtom of the Country.*

2. *The Miller in his Tack, at times* (*when the Thirlage is great eſpecially,*) *has Power, not only to purſue the Abſtracters, but alſo to ſeize what Abſtracted, and to break Quirns, and the like Priviledges. And at other times, the Meaſure and Duties of the Miln are condeſcended upon and conſtitute, with the Under-Miller and Knave their Dues, that thoſe Thirled may not be impoſed upon, or the ordinar courſe of the Miln Dues tranſgreſſed or ſtretched by the arbitrary Power of a Miller or his Servants.*

Nota, *If there be a Miln ſet, and a particular Duty payable therefore, as ſaid is, the Stile of the forementioned Horning,* Page 438, *will in ſo far alter, and yet that of the Miln and its Duty may in the Horning be ſuper-added, immediatly before the Clauſe of Performance* hinc inde, *and the Penalty, and the Will of the Letters being conform, and without variation from the true Words of the Obligation in the Tack, makes the Stile of the Letters warrantable.*

CHARTER-

CHARTER-PARTY *betwixt a Merchant and a Skipper, for Tranſporting Victual or other Goods.*

AT —— the —— day of —— —— years. It is Contracted, Agreed and Ended betwixt *A. B.* Skipper and Maſter of the good Ship called the —— on the one part, and *C. D.* Merchant Burges of —— on the other part, in manner following; *That is to ſay*, the ſaid *A. B.* has ſet, and for the Fraught and other Dues after-ſpecified, letten, and by thir preſents ſets, and for the Fraught and other Dues under-written, lets, to the ſaid *C. D.* his ſaid Ship called the ——, from the Harbour of ——, (where ſhe now lyes) to the Port after-mentioned, and to the effect after-expreſt, and Binds and Obliges him, to have his ſaid Ship in readineſs, with Maſts, Sails, Towes, Cables, Anchors, Flat-Boat, and other Neceſſars and Proviſions with expert Seamen, and (Wind and Weather ſerving) to ſaill from the ſaid Harbour of —, to the Port of —, and there to remain and await by the ſpace of ——, Weather, Work, Ly-days, for receiving in of — Bolls Bear, or other Goods, the ſaid *C. D.* or his Order pleaſes ſet Aboard; and for which, the ſaid *C. D.* is to give to the ſaid *A: B:* a Bill of Loading, to clear what ſet Aboard, (alſwell as the ſaid *A: B:* is to give him a Recept of the Victual or other Goods to be ſet Aboard as ſaid is,) and (Wind and Weather ſerving) to Sail from the ſaid Port or Harbour of —— to the ſaid Harbour of ——, where ſhe now lyes, (all Hazard by Sea excepted,) and to remain and abide at the ſaid Port of —, by the ſpace of ——, Weather, Work, Ly-days for Unloading of the ſaid Victual or other Goods; and to keep his ſaid Ship ſufficiently Water-tight, ſo as the ſaid Victual or other Goods may not be Damnified in the return Homeward, and that no part thereof ſhall be Imbazled by himſelf or Seamen. For the whilks Cauſes, the ſaid *C: D:* Binds and Obliges him, his Heirs and Executors, to content and pay to the ſaid *A: B:* his Heirs and Aſſigneys, (ſecluding Executors,) the Sum of —— *Scots* Money, in Name of Fraught for the ſaid Voyage, with the Sum of — Money foreſaid, each Day the ſaid *A. B.* his ſaid Ship & Mariners ſhal remain at either of the ſaids Ports, (attour the Ly-days above-ſpecified, in default of the ſaid *C: D:*) with Towage, Rowage, Anchorage, Avarage, Petty-Pilitage, Lights of *May*, and other Dues, according to the Cuſtom of the Sea: And that within — Hours after the ſaid *A: B:* his Livering and Unloading of the ſaid Victual or other Goods in his ſaid Ship, within the ſaid Harbour of —, with — of Caplagan. And both Parties Oblige them and their foreſaids, to fulfill and perform the Premiſſes to one another, and the Party Failzier to pay to the Party Obſerver, or willing to Obſerve the ſame, the Sum of —— in Name of liquidat penalty, in caſe of failzie, and that by and attour Performance, and together therewith

Nota, *It is the Skippers Intereſt to take Inſtruments the day of his Arrival at the Port to which he is Bound, and the like, when the Ly-days are elapſed, if before then he be not Loaded, and the like when he Un-loadens at the Port appointed, in caſe his Fraught be not duely payed, and his Bill of Avarage, according to the Cuſtom of the Sea, being two part to the Merchant, and the third to the Skipper; for in caſe the Skipper be obliged for his Payment to uſe Diligence againſt the Merchant, the Production of thoſe Inſtruments, with the Charter-Party Regiſtrat, makes a clear Horning, and the Penalty the more favourable to the Skipper in the diſcuſſing*

of a Suſpenſion, if any be raiſed; and you will find the like Horning raiſed on the like Grounds at a Skippers inſtance againſt the Merchant, Page 413.

Nota, *There be als many Letters of Horning as there be Subject-Matters, and upon the ſeveral Grounds thereof, whether Heretable Bonds, Contracts of Wadſet proper or improper, Diſpoſitions of Lands, Tenements, or the like, whether principally granted, or upon Diſpoſitions apart granted in real Warrandice thereof, Bonds of Proviſion of Children, Contracts of Victual betwixt an Heretor and a Merchant who buyes the Victual, or betwixt a Merchant and a Skipper, the Skipper being bound to Tranſport the Victual from* Port *to* Port, *and the Merchant bound to pay the Fraught,* &c. *An Minut of Contract anent the Sale of Lands and payment of the* Price, *Contracts or Indentures of Marches, Tacks betwixt the Heretor and Tennent, and other Contracts as to various Subject-Matters, Movable Bonds either for payment of Money or performance of Deeds, Decreets before* Parliament, *privy Council, Exchequer, Seſſion, Lords of the* Plat, *Sheriffs, Commiſſars, Baillies of Regalities, Stewartry, or Burrows Royal, and at the inſtance of Appryſers or Adjudgers againſt the Superiors (being Subjects;) and accordingly Charges of Horning may be given, and the perſons charged (if injured) do uſually Suſpend, and obtain Suſpenſion (if the Reaſons be found relevant) either upon Conſignation or ſufficient Caution, and at times upon Conſignation of a part, and finding Caution* pro reliquo: *And to ſet down a Stile of all theſe Bonds of Caution, were tedious, (and in effect unneceſſary,) for the Writer of the Suſpenſion drawing the Bond of Caution, and obſerving the Method following, can hardly err, changing the Judge before whom the* Decreet *is obtained, or other Ground of the Charge.*

I *A. B.* of —, by thir Preſents, Bind and Oblige me, my Heirs, Executors and Succeſſors, as Cautioners and Sureties acted in the Books of Council and Seſſion for *C. D.* of —, that in caſe it be found by the Lords of Council and Seſſion, after diſcuſſing of the Suſpenſion, raiſed by the ſaid *C. D.* in the Matter under-written, that he is holden and ought and ſhould (*here take in the Words of the Charge as to the Mandatory part, with the Ground thereof,*) *Date of the ſame, and where Regiſtrat, (if the Ground of the Charge be a Writ Regiſtrat,) and if the Charge be at the inſtance of an Aſſigney, or of a perſon to whom Transferred, it muſt be mentioned, and the Dates of the Aſſignation; and if Transferred, the Dates of both mentioned, as in the Charge of Horning; and if a Decreet, mention the Judge before whom pronounced, and Date thereof, and then ſay*) that the ſaid *C. D.* ſhall do therein according to the ſaids Lords their Decreet and Declarator to be given and pronounced thereanent. *And if there be Relaxation, the Clauſe is to be added thus,* and als ſhall make Payment to the Lords of His Majeſties Theſaury, or Lord High Theſaurer and Theſaurer-Deput, (*if the Conſtitution of Exchequer run ſo for the time,*) for His Majeſties Uſe, of the Sum of Twenty Merks for his Eſcheat-Goods, in caſe it be found by the ſaids Lords that he is orderly denunced Rebel and put to the Horn for the Cauſe foreſaid. And I the ſaid *C. D.* Bind and Oblige me, my Heirs, Executors and Succeſſors, to warrand, free, releive, harmleſs and skaithleſs keep my ſaid Cautioner, and his foreſaids, of his ſaid Cautionry, and of all coſt, skaith, damnage, intereſt, charges and expenſes that they ſhall happen to ſuſtain or incur therethrough, directly or indirectly by whatſomever manner of way in time coming. Conſenting thir preſents be Regiſtrat, *&c. bearing only Letters in form as effeirs, becauſe the new Horning, however (being founded upon a Decreet)*

reet of Suſpenſion (after diſcuſſing,) behoved to be on 15 *Days, and being alſo founded upon the Bond of Cautionry againſt the Cautioner, when extracted, muſt have a Bill, and ſo is but one Work for all, and without confuſion of Days, as* 6, 10, *or* 15, *as has been formerly obſerved.*

A Charter granted be J. E. of B. Lord A. to his three Daughters Ladies, M, A, and E. A. *procreat betwixt him and Lady* M. D. *Counteſs of B. be whom he had the Eſtate; It is to them of an Annualrent of* 3000 *Merks a year (by a tripartite Diviſion) and to their Heirs and Aſſigneys; and failing of any one of them unmarried, to the other two be a bipartite Diviſion; and failing one of the two, her Portion reverts to the Family. This bears a Reverſion to the Father at any time in his lifetime, be payment or Conſignation of an Angel of Gold to each, or* 10 *Merks as the value, but redeemable only be the Heirs upon payment, or Conſignation of* 30000 *Merks, and contains many other good Clauſes, Holds of my Lord and his Heirs Blench, and a moſt excellent Stile both as to the Form and Latine.*

OMnibus hanc Cartam, viſuris vel audituris, *J. C. B.* Dominus de *A.* Hæreditarius proprietarius terrarum aliorumque ſubſcriptorum, Salutem in Domino ſempiternam, quia virtute quarundam literarum obligatariarum per nos dilectis noſtris filiabus, Dominis *M, A.* & *E,* A. inter nos & quandam chariſſimam noſtram conjugem, Dominam M, D. Comitiſſam B. procreatis, factarum Tenemur & aſtringimur, in una parte earundem, dictas noſtras filias, hæredes eorum & aſſignatos ſubtus ſcriptos, in toto & integro annuo Reddito ſubtus ſpecificato (modo quo ſubtus) infeodare, hocque pro ſpeciali paterno amore & favore, quem habemus & gerimus erga dictas noſtras filias; Necnon in contentatione & ſatisfactione portionum ſuarum naturalium, quæ ſibi, aut per deceſſum dictæ quondam earum matris, aut per deceſſum noſtrum quovis modo incumbere ſeu pertinere poterint. Ac pro diverſis aliis Rationalibus cauſis, & conſiderationibus nos moventibus, prout in dictis literis obligatoriis dedata die præſentium latius continetur. *Noveritis* igitur nos, pro obſervatione & per impletione illius partis, dictarum literarum obligatoriarum penes præſentis Infeofamenti confectionem, necnon pro cauſis prædictis, dediſſe, conceſſiſſe, & hac præſenti carta noſtra confirmaſſe, necnon tenore præſentium, dare concedere, & hac præſenti carta noſtra confirmare, præfatis noſtris filiabus, Dominis *M. A.* & *E. A.* hæredibus earum & aſſignatis quibuſcunque hæreditariè, inter eas æqualiter dividendum, (& ſi aliquam earum innuptam, in fata decedere contigerit, duabus earum aliis eam ſurviventibus, hæredibus ſuis & aſſignatis ſimiliter inter eas æqualiter dividendum; & ſi aliquam earum duarum innuptam in fata decedere contigerit, nobis & hæredibus noſtris maſculis in comitatu *B.* ſuccedentibus pro parte ejus ſic innuptæ decedentis iterum revertendum.) Totum & integrum unum annuum redditum trium mille Mercarum uſualis monetæ Regni *Scotiæ*, annuatim levandum & percipiendum ad duos anni terminos conſuetos Feſta, *viz. Pentecoſtes* & *Sancti Martini* in hyeme per æquales portiones, de totis & integris terris noſtris de ---, cum Molendino, terris Molendinariis, Multuris, Piſcationibus, & ſingulis ſuis pertinentiis, Terris de ---. *Hic inſere reliquas Terras, & deinceps generalem clauſulam ſub hac forma*; cum totis & integris partibus, pendiculis & pertinentiis, omnium & ſingularum præfatarum terrarum aliorumque ſupraſcriptorum cum pertinentiis, ſeu aliqua earundem parte, jacentibus infra vicecomitatus de ---, --- Reſpective: Sub hac tamen lege & conditione, & non alias aliter neque alio modo, Quod ſcilicet non obſtante hac noſtra infeodatione, Licitum erit nobis, dicto *J. C.* de *B.* in vita noſtra, & poſt deceſſum noſtrum hæredibus noſtris maſculis & ſucceſſoribus quibuſcunque modo quo ſubtus diviſo, totum & integrum dictum annuum redditum, trium mille Mercarum uſualis monetæ Regni *Scotiæ* præſcripti, ut præfertur annuatim levandum & percipiendum ad duos anni terminos conſuetos Feſta, *viz. Pentecoſtes* & *Sancti Martini* in hyeme, per æquales portiones a præfatis Dominis M. A. & E. A. noſtris filiabus, prædictis hæredibus ſuis & aſſignatis præſcriptis, aut in toto aut in parte, Redimere & Relaxare per ſolutionem unicuique earum quocunque tempore vitæ noſtræ, (excludendo per præſentes hæredes & ſucceſſores

noſtros quoſcunque) unius Angeli Aurei vulgo lie Angel, vel ſummæ ſex Librarum, tredecem Solidorum, & quatuor Denariorum monetæ prædictæ, tanquam prætii ejuſdem, vel per ſolutionem ipſis æqualiter inter eas poſt deceſſum noſtrum, per hæredes noſtros maſculos & Succeſſores prædictos, ſummæ triginta mille Mercarum monetæ præſcriptæ, cum præteritis ſuis annuis redditibus pro tempore debendis, uno die inter Solis ortum & occaſum ejuſdem infra Eccleſiam Parochialem de *Edinburgo* vocatam St. *Geils*, aut caſu earum abſentiæ, ſeu recuſationis per Conſignationem dictarum ſummarum reſpectivarum, in manibus ſufficientis & reſponſalis Viri in terris & annuis redditibus infra dictam parochiam, ſuper præmonitione, octo dierum quovis tempore vitæ noſtræ, dictis noſtris filiabus, perſonaliter, vel apud dictam Eccleſiam ; abſque citatione earum Tutorum aut Curatorum, vel poſt deceſſum noſtrum ſuper præmonitione quadraginta dierum terminum feſti Pentecoſtes ſeu Sancti Martini immediate præcedentium per hæredes noſtros & ſucceſſores prædictos dictis noſtris filiabus ſuiſque præſcriptis perſonaliter, aut apud earum habitationis loca & Eccleſiam, earum parochialem, pro tempore *Die Dominico* ante meridiem, tempore Divini Servitii, in preſentia Notarii & Teſtium, ut congruint rite & legitime facta, quibuſquidem ſummis reſpective, ſuperius ſpecificatis, cum elapſis ſeu præteritis ſuis annuis redditibus pro tempore debendis, ſic ut premittitur rite & legitime perſolutis ſeu conſignatis exiſten. Tunc & in iis caſibus ſeu eorum aliquo hæc preſens noſtra infeodatio antedicti annui redditus nullius erit inde roboris valoris & efficatiæ, unacum dictis literis obligatoriis & ſaſinæ inſtrumento de ſuper ſequendis ſimili modo ac ſi eadem nunquam datæ, factæ ſeu conceſſæ fuiſſent, Suſpendendo nihil ominus omnimodam ſolutionem dicti annui redditus trium mille mercarum omnemque vim Robur & efficaciam preſentis hujus cartæ noſtræ ac ſaſinæ inſtrumenti de ſuper ſequendi, unacum dictis literis obligatoriis & quicquid de ſuper ſequi poterit durante toto tempore vitæ noſtræ, dicti *Jacobi* Comitis B. & diutius de hinc ſemper & quoſque dicta Domina M. A. & E. A. noſtræ filiæ exceſſerint ætatem ſuam duodecem annorum completam, durantibus quibus ſpaciis reſpective, dictæ noſtræ filiæ nullum habebunt jus nec titulum ad levandum & percipiendum dictum annuum redditum non obſtante hac noſtra infeodatione ejuſdem, quovis modo per præſentes, nos vero nihil ominus noſtrique prædicti dictas Dominas M. A. & E. A. noſtras filias in omnibus ſtatibus ſuis reſpondentibus ut congruit, ſuſtinendo, aut unicumq; optione earum ſummam quinq; centum librarum monetæ prædictæ ac pro earum ſuſtentatione, durantibus ſpatiis prædictis abſque fraude & dolo perſolvendam, ac cum ſpeciali proviſione & conditione, quod ſi contigerit nos dictum I. Comitem B. in vita noſtra præfatas dominas M. A. & E. A. noſtras filias vel aliquam earum maritis ſeu marito providere, & eas vel eam ad hunc effectum competenter dotare, tunc & in iis caſibus ſeu eorum aliquo, (& immediate poſtea) hæc noſtra infeodatio antedicti annui redditus, una cum ſaſinæ inſtrumento deſuper ſequendo, & dictis literis obligatoriis quoſque extendi poterint, ad filiam noſtram in vita noſtra marito junctam & per nos dotatam, nullius erit inde Roboris valoris & efficaciæ, ſimili modo ac ſi eædem nunquam datæ, factæ aut conceſſæ fuiſſent, iuxta formam & tenorem dictarum literarum obligatoriarum & non alias aliter, neque alio modo, Tenendum & habendum totum & integrum antedictum annuum reditum trium mille mercarum monetæ præſcriptæ (ut præfertur) annuatim levandum & percipiendum præfatis dominis M. A. & E. A. noſtris filiabus hæredibus earum & aſſignatis prædictis de nobis hæredibus et Succeſſoribus noſtris quibuſcunque in feodo hæreditate ac libera alba firma, in perpetuum cum omnibus et ſingulis ſuis libertatibus, commoditatibus proficuis, aſiamentis & iuſtis ſuis pertinentiis quibuſcunque ad præfatum annuum redditum ſpectantibus ſeu juſte ſpectare valentibus quomodolibet in futurum liberè, quietè, plenariè, integrè, honorificè, benè et in pace, abſque aliqua Revocatione, contradictione ſeu obſtaculo aliquali, Reddendo inde annuatim prefatæ Dominæ M. A. et E. E. noſtræ filiæ hæredes ſui et aſsignati præſcripti nobis hæredibus et ſucceſſoribus noſtris, tres denarios uſualis monetæ Regni *Scotiæ* prædicti ſuper ſolo dictarum terrarum ſeu alicujus partis earundem, ad diem Feſti Pentecoſtes nomine all æſi me ſi petantur tantum, pro omni alio onere exactione, queſtione demando ſeu ſervitio ſeculari quæ de prædicto annuo reddito per quoſcunque juſte exigi poterint quomodo libet vel requiri, et nos vero dictus I. Comes B. hæredes noſtri & ſucceſſores quicunque, totum & integrum antedictum annuum reditum trium mille mercarum monetæ preſcript (ut prefertur) annuatim levandum

dum & percipiendum præfatis dominis M. A. & E. E. noſtris filiabus hæredibus & aſſignatis præſcriptis, æqualiter inter eas dividendum, in omnibus & per omnia forma pariter & effectu (ut premiſſum eſt) contra omnes mortales warrantizabimus, acquietabimus, & in perpetuum defendemus, ſub reverſione tamen, aliiſque proviſionibus ſuperius ſpecificatis, & non alias, aliter, neque alio modo, iuxta formam et tenorem dictarum literarum obligatoriarum, In ſuper dilectis noſtris G. B. de A. Ballivo dominii noſtri de G, et veſtrum cuilibet conjunctim et diviſim Ballivis noſtris in hac parte ſpecialiter conſtitutis, Salutem vobis precipimus et firmiter mandamus quatenus viſis præſentibus indilate ſtatum ſaſinamhæreditariam, pariter & poſſeſſionem, realem, actualem et corporalem, totius et integri annui redditus trium mille mercarum monetæ preſcriptæ (ut prefertur) annuatim levandi & percipiendi de totis & integris prædictis noſtris terris de M. cum molendino, terris, molendinariis, multuris, piſcationibus, & ſingulis ſuis pertinentiis, hic etiam inſerre cæteras terras, et alia ut in præcepto ſaſinæ, et poſtea clauſulam generalem ſub hac forma cum omnibus et ſingulis ſuis partibus, pendiculis et pertinentiis, omnium et ſingularum, præfatarum terrarum aliorumque ſupra ſcriptarum ut ſupra iacentium prefatis dominis M: E. et E, A. noſtris filiabus inter eas æqualiter dividendi vel earum certis actornatis ſeu actornato latoribus ſeu latori præſentium per terræ et lapidis fundi alicujus partis dictarum terrarum et lie clap, molendini nec non denarii traditionem et deliberationem ut moris eſt, traditis et deliberatis ſeu aliquis veſtrum tradat, et deliberet ſub reverſione tamen reſtrictionibus et conditionibus ſupra ſpecificatis et non alias aliter, neque alio modo, et hoc nullo modo omittatis ad quod faciendum vobis et veſtrum cuilibet conjunctim et diviſim, ballivis noſtris in hac parte, antedictis noſtram plenariam et irrevocabilem, tenore præſentium, committimus poteſtatem, in cuius rei teſtimonium præſenti huic cartæ noſtræ præceptoque ſaſinæ ſupraſcriptæ, manu noſtra ſubſcriptæ manuque H. W. filii I. *W.* Scribæ ſcriptæ Sigillum noſtrum proprium eſt appenſum apud H. ſeptimo die menſis *Auguſti* anno 1628. coram his teſtibus Magiſtro *Jacobo Reid* Advocato, *Alexandro Stirling* ſervitore nobilis et potentis Comitis *Joannis* Comitis *Marriæ* noſtri patris *Jacobo Roſe* ſervitore domini *Drum* et dictis Joanne et *Henrico Williamſons*, *This Charter was ſubſcribed by my Lord and the four Witneſſes inſert; and on Maſter* Andrew *or Maſter* Alexander Baird *alſo as Witneſſes but not inſert.*

Nota, *the perſonal Reverſion to my Lord for Redemption at any time in his lifetime upon payment or Conſignation of an Angel (or ten merks as the value) was afterwards renounced by his Lordſhip, and the Renunciation Regiſtrate, which (with the Charter) I did ſee, and becauſe it is a perſonal Reverſion, and from the benefite whereof the Heirs are excluded, and by them only Redeemable upon payment or Conſignation of* 30000 *merks: I judge it neceſſary and proper (becauſe many ſuch caſes may occur to preſerve the Fathers paternal authority over Children, and to make them dutyful Children, depending upon their Father, and not diſpoſe of themſelves in Marriage without his conſent) to ſet down the Stile.*

Renunciation and Diſcharge by a Father to his Daughters, of a perſonal Reverſion and Faculty, to redeem an Annualrent of 3000 *merks a year, (provided by him to them in portion) by payment or Conſignation of an Angel of Gold, (or ten merks as the value thereof) at any time in his own lifetime, and redeemable afterwards by his Heirs, only upon payment or Conſignation of* 30000 *merks, with the Annualrents reſting for the time.*

BE it kend till all Men be thir preſent Letters, us *James* Earl of *B.* Lord *A.* Heretable Propietar of the Lands and others after-ſpecified, (furth of which the Annualrent after-mentioned is appointed to be uplifted, and taken yearly, and at the Terms after expreſt) and in whoſe favours the perſonal Reverſion, and Faculty under-written, for Redemption thereof, at any time in our Lifetime, by Payment or Conſignation of an Angel of Gold, or ten *merks* as the value thereof is Conceived in manner after rehearted. Forasmeikle as, we by our Heretable Bond of the Date at *Holy-rood-houſe*, the ſeventh Day of *Auguſt-* 1628 years (for the

Cauſe, and upon the ſpecial Conſiderations therein-mentioned) did provide Ladies M. *A.* and E. *E.* our lawful Daughters, procreat betwixt us, and the Deceaſt Lady M. D. Counteſs of B. our Deceaſt Spouſe, to the Sum of 30000 merks uſual Mony of this Realm, according to the tripartit Diviſion following, and for Security thereof, Band and obliged us, our Heirs and Succeſſors, Duely, Lawfully, and Validly, to have Infeft and Seaſed them, their Heirs and Aſſigneys, whatſomever Heretablie, to be divided equally amongſt them, (and if any one of them ſhould happen to Deceaſe unmarried, the other two of our ſaids Daughters, ſurviving their Heirs and Aſſigneys, likewiſe to be divided equally betwixt them, and in caſe any of the ſaids two ſhould happen in the courſe of Providence, to Deceaſe unmarried, that Part belonging to that one Deceaſing, thereafter to Revert to us, and our Heirs male ſucceeding to us in the Earldom of B.) in all & hail an yearly Annualrent of 3000 merks, uſual Money foreſaid, yearly to be uplifted, and taken at two Terms in the year, *viz. Whitſunday* and *Martinmaſs* in Winter, by equal portions furth of all and hail our Lands of -------- with the Miln, Miln-lands, Multurs, Fiſhings, and univerſal pertinents thereof: the Lands of --------- (here the other Lands, Milns Fiſhings, *&c.* Were inſert, and then the general Clauſe following) with all and ſundry, Parts, Pendicles, and Pertinents of all and ſundry the Lands and others above written, with the Pertinents, or furth of any Part thereof, Lyand within the Shireffdoms of ---- and ------ reſpective, with and under this Law and Condition, notwithſtanding, and no otherways, in any other Terms, or any other way, that notwithſtanding of our ſaid Right, and Infeftment to follow thereupon, it ſhould be lawful to us in our Lifetime, and after our deceaſe, to our Heir Male, and Succeſſors whatſomever, in manner after divided, to Redeem and Outquite, in hail or in part, the ſaid yearly Annualrent of 3000 merks Mony foreſaid, yearly upliftable at the Terms, and be equal portions as ſaid is, furth of the Lands and others above-ſpecified, from our ſaids Daughters, and their ſaids Heirs and Aſſigneys, by our payment to each of them at any time in our Lifetime, (excluding thereby our Heirs and Succeſſors whatſomever) of an Angel of Gold, (or the Sum of ſix pound thirteen ſhilling four penies Money above-written, as the Price thereof) or by payment to them equally betwixt them after our Deceaſe, by our Heirs Male and Succeſſors aforeſaid, of the ſaid Sum of 30000 merks Money above written, with the bygone Annualrents thereof due for the time, upon an Day, betwixt the Sun riſing and down paſſing thereof; within the Paroch Church of *Edinburgh* called St. *Geils*: or in caſe of their Abſence or Refuſal, by Conſignation of the ſaids reſpective Sums, in the Hands of an ſufficient and Reſponſal perſon, in Lands or Annualrents, within the ſaid Parochin, upon eight Days premonition at any time in our Lifetime, to our ſaids Daughters perſonally, or at the ſaid Church, without Citing of their Tutors or Curators - or after our Deceaſe, upon fourty Days premonition immediatly preceeding the Feaſt of *whitſunday* or *Martinmaſs*, to be duely and lawfully made by our ſaids Heirs and Succeſſors, to our ſaids Daughters and their foreſaids perſonally, or at their Dwelling places, and their Paroch Church for the time, upon the Lords Day in the Forenoon, in time of Divine Service, in preſence of an Nottar, and Witneſſes as effeirs; and whilks Sums reſpective above-ſpecified, (with the bygone Annualrents reſting for the time) being ſua Duely and Lawfully payed, or Conſigned, then and in theſe caſes, or either of them, our ſaid Infeftment of the ſaid Annualrent from thenceforth, to be of no Force, Strength nor Effect thereafter: together with the ſaid Bond and inſtrument of Seaſin to follow thereupon, ſicklike, as if the ſame had never been made, Given, nor Granted; Suſpending nevertheleſs all payment of the ſaid Annualrent of 3000 merks, and all Force, Vigour and Strength of the ſaid Bond, Charter and Seaſin to follow thereupon, during all the Days of our ſaid Lifetime, and thereafter ſtill, until our ſaids Daughters attain to their full Age of twelve years compleat, during which ſpaces, our ſaids Daughters, had no Right nor Title to uplift the ſaid Annualrent, notwithſtanding of the ſaid Right and Infeftment, but we and our foreſaids, obliged ſufficiently to ſuſtain them in all things ſuitable to their Quality, or in the option of each of them, to pay them five hundred Pounds Money foreſaid, for their ſaid Maintainace and Subſiſtance yearly during the ſaid ſpace, and farder, it is thereby provided, that if we (in our own Lifetime) ſhould happen to betroth our ſaids Daughters, or any one of them to Husbands or an

Husband

Husband, or to Tocher them, or any of them in order thereto, then (and in these cases, or either of them) the said Bond and Infeftment to follow thereupon, should from thence forth be of no force, strength or effect, as to the Daughters or Daughter sua Tochered and Married by us in our said Lifetime; and as if the same had never been made given nor granted; to be holden, the said Annualrent of us, our Heirs and Successors whatsomever, in Fee, Heretage and free Blench farm for ever, for Payment of Three penies Mony forefaid at *Whitsunday* yearly if required in manner specified in the said heretable Bond, which contains divers other Clauses conceived in favours of our saids *Daughters* and their foresaids, and for Implement whereof in that part of the same, whereby we stood obliged to infeft our saids *Daughters* and their foresaids in the said Annualrent of 3000 Merks Mony forefaid, yearly, to be uplifted and taken at the Terms, and by equal Portions as said is, furth of the Lands and others above-mentioned, or any part thereof, we granted to them an Charter (relative thereto, and of the Date thereof) containing Precept of Seasing for infefting them therein, and to be holden in manner above-expreſt and conform whereunto, our saids Daughters were upon the --- day of ------ years, lawfully infeft in the said Annualrent, & their *Seasin* duly Regiſtrat conform to the *Act* of *Parliament* as the said heretable Bond, Charter and Seasing in themselves more fully proport; and seing our saids Daughters are come to years fit for marriage, and most hopeful Children, and have attained to a great perfection in their *Education*, and other accomplishments proper for their Sex, and suitable to their Birth and Quality: and now after *mature deliberation*, being unwilling to keep them, under such Bonds and Tyes (as that of the said personal Reversion and Faculty reserved to our self, for Redemption of the said Annualrent of 3000 *Merks* from them and their foresaids, at any time in our own Lifetime, by Payment or Consignation of the said Angel of Gold, or ten *Merks* as the value thereeof, to and for them, in manner above-rehearsed) lest the same may prove a discouragement for persons of their own Quality, to make Sute to, or enter in Wedlock with them, and having entire confidence in our saids Daughters, and not in the least doubting, but when the said personal Reversion, Power and Faculty is removed and taken off; and thereby their Freedom in *Marriage* enlarged, yet by their Pious Education and virtues (in which they have been brought up) they will not deviat or swerve from that due Deference they owe to us (their kindly Father) in bestowing themselves in Marriage, without our Consent, or below their own Quality; and without Consent of their Noble friends and relations (even when we by Death may be Dissolved) Therefore wit ye us, to have Over-given, Quite-claimed, and freely and simpliciter Discharged, and for ever Renounced; Likeas, we by thir Presents, Overgive, Quite-claim, and freely & simpliciter Discharge, and for ever Renounce, to and in Favours of our saids Daughters, and their foresaids, the said personal Reversion, Power, and Faculty, reserved by us to our self, by the foresaid Heretable Bond, Charter, and Seasin following thereupon, for Redemption, Lousing, and Outquitting from them at any time in our Lifetime, of the said Annualrent of 3000 *Merks* Mony foresaid yearly, to be uplifted and taken at the Terms, and by equal portions in manner foresaid, furth of the Lands, Millns, Miln-Lands, and others above-expreſt, or any part thereof, by payment to each of the saids Daughters, or their foresaids, of the said Angel of Gold, or ten *Merks* Mony above-written, as the value thereof; or in case of absence, or refusal, by Consignation of the same, in manner, in the Hands and upon the Premonition above-expreſt; and by thir presents, Wills, Appoints, and Declares the foresaid personal Reversion, Power and Faculty of Redemption aforesaid, by vertue thereof, and all Declarators that may be competent thereupon, to be now, and in all time coming, Null, and of none Avail, Force, Strength or Effect, with all that has followed, or may follow on the same: Sicklike, in the same manner, and als fully, freely, and absolutely in all Respects, and to all Intents and Purposes, as if the said personal Reversion, and Power, and Faculty of Redemption, by vertue thereof, had never been Insert, set down, and Ingroſt, in the said Heretable Bond, Charter, and Seasin following thereupon, or thereby in the least reserved to us, and introduced, and Conceived in our favours, but prejudice always, to our saids Heirs, and Successors (after our Decease) to Redeem, Louse, and Out-quite the said Annualrent of 3000 *Merks* from our saids Daughters, and their foresaids, by payment to them of the said Sum

Cauſe, and upon the ſpecial Conſiderations therein-mentioned) did provide Ladies M. *A.* and E. *E.* our lawful Daughters, procreat betwixt us, and the Deceaſt Lady M. D. Counteſs of B. our Deceaſt Spouſe, to the Sum of 30000 merks uſual Mony of this Realm, according to the tripartit Diviſion following, and for Security thereof, Band and obliged us, our Heirs and Succeſſors, Duely, Lawfully, and Validly, to have Infeft and Seaſed them, their Heirs and Aſſigneys, whatſomever Heretablie, to be divided equally amongſt them, (and if any one of them ſhould happen to Deceaſe unmarried, the other two of our ſaids Daughters, ſurviving their Heirs and Aſſigneys, likewiſe to be divided equally betwixt them, and in caſe any of the ſaids two ſhould happen in the courſe of Providence, to Deceaſe unmarried, that Part belonging to that one Deceaſing, thereafter to Revert to us, and our Heirs male ſucceeding to us in the Earldom of B.) in all & hail an yearly Annualrent of 3000 merks, uſual Money foreſaid, yearly to be uplifted, and taken at two Terms in the year, *viz. Whitſunday* and *Martinmaſs* in Winter, by equal portions furth of all and hail our Lands of -------- with the Miln, Miln-lands, Multurs, Fiſhings, and univerſal pertinents thereof: the Lands of ---------- (here the other Lands, Milns Fiſhings, *&c.* Were inſert, and then the general Clauſe following) with all and ſundry, Parts, Pendicles, and Pertinents of all and ſundry the Lands and others above written, with the Pertinents, or furth of any Part thereof, Lyand within the Shireffdoms of ---- and ------ reſpective, with and under this Law and Condition, notwithſtanding, and no otherways, in any other Terms, or any other way, that notwithſtanding of our ſaid Right, and Infeftment to follow thereupon, it ſhould be lawful to us in our Lifetime, and after our deceaſe, to our Heir Male, and Succeſſors whatſomever, in manner after divided, to Redeem and Outquite, in hail or in part, the ſaid yearly Annualrent of 3000 merks Mony foreſaid, yearly upliftable at the Terms, and be equal portions as ſaid is, furth of the Lands and others above-ſpecified, from our ſaids Daughters, and their ſaids Heirs and Aſſigneys, by our payment to each of them at any time in our Lifetime, (excluding thereby our Heirs and Succeſſors whatſomever) of an Angel of Gold, (or the Sum of ſix pound thirteen ſhilling four penies Money above-written, as the Price thereof) or by payment to them equally betwixt them after our Deceaſe, by our Heirs Male and Succeſſors aforeſaid, of the ſaid Sum of 30000 merks Money above written, with the bygone Annualrents thereof due for the time, upon an Day, betwixt the Sun riſing and down paſſing thereof; within the Paroch Church of *Edinburgh* called St. *Geils*: or in caſe of their Abſence or Refuſal, by Conſignation of the ſaids reſpective Sums, in the Hands of an ſufficient and Reſponſal perſon, in Lands or Annualrents, within the ſaid Parochin, upon eight Days premonition at any time in our Lifetime, to our ſaids Daughters perſonally, or at the ſaid Church, without Citing of their Tutors or Curators - or after our Deceaſe, upon fourty Days premonition immediatly preceeding the Feaſt of *whitſunday* or *Martinmaſs*, to be duely and lawfully made by our ſaids Heirs and Succeſſors, to our ſaids Daughters and their foreſaids perſonally, or at their Dwelling places, and their Paroch Church for the time, upon the Lords Day in the Forenoon, in time of Divine Service, in preſence of an Nottar, and Witneſſes as effeirs; and whilks Sums reſpective above-ſpecified, (with the bygone Annualrents reſting for the time) being ſua Duely and Lawfully payed, or Conſigned, then and in theſe caſes, or either of them, our ſaid Infeftment of the ſaid Annualrent from thenceforth, to be of no Force, Strength nor Effect thereafter: together with the ſaid Bond and inſtrument of Seaſin to follow thereupon, ſicklike, as if the ſame had never been made, Given, nor Granted; Suſpending nevertheleſs all payment of the ſaid Annualrent of 3000 merks, and all Force, Vigour and Strength of the ſaid Bond, Charter and Seaſin to follow thereupon, during all the Days of our ſaid Lifetime, and thereafter ſtill, until our ſaids Daughters attain to their full Age of twelve years compleat, during which ſpaces, our ſaids Daughters, had no Right nor Title to uplift the ſaid Annualrent, notwithſtanding of the ſaid Right and Infeftment, but we and our foreſaids, obliged ſufficiently to ſuſtain them in all things ſuitable to their Quality, or in the option of each of them, to pay them five hundred Pounds Money foreſaid, for their ſaid Maintainace and Subſiſtance yearly during the ſaid ſpace, and farder, it is thereby provided, that if we (in our own Lifetime) ſhould happen to betroth our ſaids Daughters, or any one of them to Husbands or an

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Husband, or to Tocher them, or any of them in order thereto, then (and in theſe caſes, or either of them) the ſaid Bond and Infeftment to follow thereupon, ſhould from thence forth be of no force, ſtrength or effect, as to the Daughters or Daughter ſua Tochered and Married by us in our ſaid Lifetime; and as if the ſame had never been made given nor granted; to be holden, the ſaid Annualrent of us, our Heirs and Succeſſors whatſomever, in Fee, Heretage and free Blench farm for ever, for Payment of Three penies Mony foreſaid at *Whitſunday* yearly if required in manner ſpecified in the ſaid heretable Bond, which contains divers other Clauſes conceived in favours of our ſaids Daughters and their foreſaids, and for Implement whereof in that part of the ſame, whereby we ſtood obliged to infeft our ſaids Daughters and their foreſaids in the ſaid Annualrent of 3000 Merks Mony foreſaid, yearly, to be uplifted and taken at the Terms, and by equal Portions as ſaid is, furth of the Lands and others above-mentioned, or any part thereof, we granted to them an Charter (relative thereto, and of the Date thereof) containing Precept of Seaſing for infefting them therein, and to be holden in manner above-expreſt and conform whereunto, our ſaids Daughters were upon the ---- day of ---- years, lawfully infeft in the ſaid Annualrent, & their Seaſin duly Regiſtrat conform to the *Act* of *P*arliament as the ſaid heretable Bond, Charter and Seaſing in themſelves more fully proport; and ſeing our ſaids Daughters are come to years fit for marriage, and moſt hopeful Children, and have attained to a great perfection in their *E*ducation, and other accompliſhments proper for their Sex, and ſuitable to their Birth and Quality: and now after *mature deliberation*, being unwilling to keep them, under ſuch Bonds and Tyes (as that of the ſaid perſonal Reverſion and Faculty reſerved to our ſelf, for Redemption of the ſaid Annualrent of 3000 *Merks* from them and their foreſaids, at any time in our own Lifetime, by Payment or Conſignation of the ſaid Angel of Gold, or ten *Merks* as the value thereeof, to and for them, in manner above-rehearſed) leſt the ſame may prove a diſcouragement for perſons of their own Quality, to make Sute to, or enter in Wedlock with them, and having entire confidence in our ſaids Daughters, and not in the leaſt doubting, but when the ſaid perſonal Reverſion, Power and Faculty is removed and taken off; and thereby their Freedom in *M*arriage enlarged, yet by their Pious Education and virtues (in which they have been brought up) they will not deviat or ſwerve from that due Deference they owe to us (their kindly Father) in beſtowing themſelves in Marriage, without our Conſent, or below their own Quality; and without Conſent of their Noble friends and relations (even when we by Death may be Diſſolved) Therefore wit ye us, to have Over-given, Quite-claimed, and freely and ſimpliciter Diſcharged, and for ever Renounced; Likeas, we by thir Preſents, Overgive, Quite-claim, and freely & ſimpliciter Diſcharge, and for ever Renounce, to and in Favours of our ſaids Daughters, and their foreſaids, the ſaid perſonal Reverſion, Power, and Faculty, reſerved by us to our ſelf, by the foreſaid Heretable Bond, Charter, and Seaſin following thereupon, for Redemption, Louſing, and Outquitting from them at any time in our Lifetime, of the ſaid Annualrent of 3000 *Merks* Mony foreſaid yearly, to be uplifted and taken at the Terms, and by equal portions in manner foreſaid, furth of the Lands, Millns, Miln-Lands, and others above-expreſt, or any part thereof, by payment to each of the ſaids Daughters, or their foreſaids, of the ſaid Angel of Gold, or ten *Merks* Mony above-written, as the value thereof; or in caſe of abſence, or refuſal, by Conſignation of the ſame, in manner, in the Hands and upon the Premonition above-expreſt; and by thir preſents, Wills, Appoints, and Declares the foreſaid perſonal Reverſion, Power and Faculty of Redemption aforeſaid, by vertue thereof, and all Declarators that may be competent thereupon, to be now, and in all time coming, Null, and of none Avail, Force, Strength or Effect, with all that has followed, or may follow on the ſame: Sicklike, in the ſame manner, and als fully, freely, and abſolutely in all Reſpects, and to all Intents and Purpoſes, as if the ſaid perſonal Reverſion, and Power, and Faculty of Redemption, by vertue thereof, had never been Inſert, ſet down, and Ingroſt, in the ſaid Heretable Bond, Charter, and Seaſin following thereupon, or thereby in the leaſt reſerved to us, and introduced, and Conceived in our favours, but prejudice always, to our ſaids Heirs, and Succeſſors (after our Deceaſe) to Redeem, Louſe, and Out-quite the ſaid Annualrent of 3000 *Merks* from our ſaids Daughters, and their foreſaids, by payment to them of the ſaid Sum

of 30000 *Merks* Mony above-written, according to the Diviſion foreſaid, and Annualrents thereof, reſting for the time, in manner, and upon the other Premonition above-ſpecified, or in caſe of Abſence or Refuſal thereof, by Conſignation of the ſame, in manner above-expreſt, and we Bind and Oblige us, our Heirs and Succeſſors, to warrand this our preſent Renounciation, and Diſcharge, to be good, valid and ſufficient to our ſaid Daughters and their forſaids in all, and be all things as is above-rehearſed, at all Hands, and againſt all Deadly, conſenting thir preſents be Regiſtrate in the Books of Council and Seſſion, appointed for Regiſtration of Seaſins, Reverſions, Renunciations, and the like, or others Competent therein, to remain for Conſervation, and Conſtituts ---.--- our Procurators, *&c.* In witneſs whereof, we have ſubſcribed thir Preſents (written by ---.--- with our Hand, at ------- the ------- Day of ---.------ years, before thir witneſſes.

Nota, *I only read the principal, and ſometime after, calling it to mind, ſet it down, ſo far as I remember, and is not in the leaſt umbridged by me, whatever Luſture may be given ; (beyond the original) being a Debt upon all, who Tranſcribe, or Tranſlate any work of an other perſon.*

I was once reſolved to have ſet down a draught of the Band, but afterwards judged it not neceſſar ; there being Bands of Proviſion amongſt the other Stiles of Securities, much tryſting with the ſamen, (if not altogether in the Subſtitution) and beſides the Narative of the former Renounciation is ſo full, that if the like occur, it may be a ſufficient Pattern, with ſuch alterations as the Granter thinks convenient, and the matter requires.

LETTER of Bailliary by an Nobleman and Lord of Regality, to a Gentleman within the Bounds of the ſaid Regality.

BE it kend to all Men by thir preſent Letters, Us *J. M.* of *A. &c.* Lord of the Regality of —— and having full and ample Power and Commiſſion to Nominat and Appoint Baillies under us within the ſaid Regality, and haill Bounds thereof, (and for whom we are anſwerable) conform to the Charter granted to us thereupon under the Great-Seal, of the date the — day of — — years, Ratified in Parliament the — day of —— —— years: *Foreſameikle* (6 *as*, the Abilities and Qualifications of *J. H.* of *C* for exercing the Office and Truſt after-ſpecificed, is ſufficiently known to us, and that we have intire Confidence in him, and that he will diſcharge the ſame faithfully, carefully and diligently (and without partiality) and being aſſured of his Affection to the Government, and has qualified himſelf by Law, and made Faith *de fideli adminiſtratione*. *Therefore* wit ye us to have Nominat, Appointed, made Conſtitute and Ordained ; Likeas, we by thir preſents, Nominat Appoint, make Conſtitute and Ordain the ſaid *J. H.* our only lawful undoubted & ſole (7 Bailzie of the Regality of *A.* 8) and within the haill Bounds and Limits thereof under us, and to the effect after-ſpecified, with full and ample Power, Warrand and Commiſſion to him as our ſaid Bailzie, to Sit, Affix, Affirm, Hold and continue Courts of Regalitie, with the priviledge of Chappel and Chancellary, within the Head-burgh of the ſaid Regality, or any other Place or Places within the ſaid Regalitie he ſhall judge convenient (9) for the better and more ſpeedy Adminiſtration of Juſtice, and Accommadation and eaſe of the Leiges, receeding within the bounds of the ſaid Regality, and others that may repair thither and be concerned ; And that as oft as need beis, and as Matters require, and to Judge and Determine in all Matters Civil and Criminal, that fall out and come before him, proper to be judged and Cognoſced by a Baillie of Regalitie, by the Laws, Acts of Parliament, and Conſuetude of this Kingdom ; And for

for that effect, to emit and iſſue furth Precepts and Summonds, cauſe cite Witneſſes to all Aſſizes, and to pronunce and give furth Decreets, Sentences and Dooms therein, and cauſe the ſame be execute according to Law, Tranſgreſſors to puniſh, Delinquents and Abſents to Fine and Amerciat, Eſcheats, Fines and Amerciaments of Court, to uplift and exact, and to emit Brieves for ſerving perſons Heirs to their Predeceſſors in Lands and others belonging to them, lying within the ſaid Regality, and cauſe the ſame be duely execute and proclaimed, and to cauſe ſummond Inqueſts to paſs upon the ſaids Services, ſummond and receive habile Witneſſes for proving and inſtructing the Propinquity of the Blood of the apparent Heir to the perſon deceaſt, and to adminiſtrat Juſtice therein, until the final end and deciſion thereof (10) and to Repledge from the Juſtice-general and Lords of Juſticiary, Sheriffs and other inferior Courts, all Perſons Living and Reſiding within the ſaid Regality and Bounds thereof, who may be purſued criminally before any of the ſaids other Judges, and to find Caution to adminiſtrat Juſtice againſt thoſe re-pledged within the term of Law (11) and to do every other thing in the Premiſſes (as to all matters Civil and Criminal) that any other Baillie of Regality, and having Power of Chappel and Chancellary as ſaid is, has done, doth, or of the Law may do at any time bygone or to come. And by the Acceptation hereof, the ſaid *J. H.* as Baillie foreſaid, is hereby obliged to be anſwerable and accountable to us for his good and faithful Adminiſtration in the ſaid Office, and for the ſaids Eſcheats and other Emoluments of Court, when required thereto; And this preſent Commiſſion and Letter of Bailliary, is only to continue and endure during our pleaſure. Conſenting thir preſents be regiſtrat in the Books of Council and Seſſion, or others competent therein, to remain for Conſervation, and Conſtitutes ——— our Procurators, *&c.* In witnes whereof we have ſubſcribed thir preſents, (written by ———) with our hand at——the— day of— —— years, before thir Witneſſes.

Nota, *Some have inſert in the clauſe of Regiſtration, to be regiſtrat in the Regality-Books, which is wrong, unleſs there were two Baillies of Regalitie, and that they had two Commiſſions, and then the one might be Regiſtrat by the Interpoſition of the other Baillies Decreet; And ſure if but one Baillie, the Lord of Regality himſelf could not ſit as Judge, and interpoſe his Decreet to his own Commiſſion and Deed; And therefore it muſt either be Regiſtrat in the Books of Council and Seſſion, or two Baillies (as I have ſaid, or not Regiſtrat at all) but the Lord of the Regality being preſent in Court at the Baillies Entry, the Commiſſion may be produced, and by my Lords Order appointed to be read and marked ſo in the Book or Records of Court, and the Clerk ſigning the Minute thereof (as well as that the Baillie has qualified himſelf by Law, and taken the Oath* de fideli adminiſtratione *) is ſufficient.*

Nota, *The Office of Stewartrie has the ſame Priviledge that a Regality has (but whether Chappel or Chancellary, the Right thereof bears the ſame) and to ſet down the Stile were tedious, and therefore make the ſame with the Diſtinction following,* viz *Whereas the former calls the Granter Lord of the Regality, call this perſon* Heretable Stewart of the Stewartrie of ---- and having Power to ſubſtitute Deputs under me in the ſaid Office, conform to the Rights and Infeftments granted to me and my Predeceſſors thereupon, and then ſay) *Foreſameikle as (here take in from the Figure 6 to the Figure 7 and then ſay);* Stewart-deput of the Stewartrie of ——— *and thereafter follow furth the whole Stile* uſque ad finem, *with this Alteration, where ye find Baillie, call this perſon*

perſon Stewart-Deput, *and where you find Regality, call it* Stewartrie, *and ſo furth all alongſt by a Diſcrimination of the one Office from the other.*

Nota, *Whether a Lord of Regality grant a Letter of Bailliary, or an heretable Stewart grant a Deputation, yet ye may perceive, that neither of them give Power to the Baillie, or Stewart-Deput to Nominat and Appoint Clerks of Court, Phiſcals, Officers or* Dempſters *(albeit all ſubordinat Courts muſt have ſuch, and cannot ſit without them) and the Reaſon of their not giving that Power and Latitude to their Baillies or Deputs, is obvious; For in effect by not giving thereof, is a Reſervation of the ſame to themſelves, who grant particular Commiſſions to Clerks and Phiſcalls, as to their reſpective Offices, but for Officers and Dempſters, (being the minor Offices) they only nominat them in Court to be ſuch, and are recorded accordingly in the Court Records; So that Clerk, Phiſcal, Officers and Dempſters, have their Dependance immediatly upon the Lord of Regality, or Stewart of the Stewartrie, and not upon the Baillie of Regality, or Stewart-deput, and by ſo doing, know, how all the Matters of Court go.*

DEPUTATION *by a Principal Sheriff to a Gentleman, as his Deput in the Office.*

BE it kend to all Men be thir preſent Letters, us J. M. of *A.* Principal-Sheriff of the Sheriffdom of P. and having Power and Commiſſion by our Patent and Commiſſion under his Majeſties Great-Seal, to ſubſtitute Deputs under us in the ſaid Office, and for whom we are anſwerable: Forſameikle as, *(here take in the former Letter of Gift from the Figure of 6 to the Figure of 7. only change the* Perſon, *and then ſay)* one of our Deputs within the ſaid Sheriffdom of P. and haill Bounds thereof *(excepting Regalities and* Stewartries within the ſame*)* with full and ample Power, Warrand and Commiſſion to the ſaid —— as one of our ſaids Deputs, to Sit, Affix, Affirm, Hold and continue Sheriff-Courts within the Head burgh of the ſaid Shire, or any other Place or Places within the ſame he ſhall judge convenient. *Here take in the former Gift from the Figure (9)* uſque ad finem, *only in place of the word* Regality, *call it* Sheriff-ſhip, *for Baillie,* Sheriff-Deput, competent to a Baillie of Regality, Write to a *Sheriff; And upon the whole matter make a Diſtinction betwixt the one Office and the other, and the one Judge and the other; And be ſure in this Deputation to a Sheriff-deput, Leave out all in the former Gift of the Bailliary betwixt the Figure of (10) and the Figure (11)*

GIFT

GIFT AND MORTIFICATION *by* George *Viſcount of* Tarbat, *Lord* Mackleod *and* Caſtlehaven, *&c. in favours of the Miniſter and Elders of the* Paroch *of* Tarbat, *as Truſtees and Fide-Commiſſaries of the* Poor *thereof, and others after-ſpecified, and a full and ample Stile, and reſerves the* Patronage *to himſelf and Heirs.*

BE *it kend to all Men* by thir preſent Letters, Us G. V. of *T. L. M.* and *C.* Heretable Proprietar of the Lands and others after-ſpecified, with the Pertinents; Wit ye Us (for the Glory of God, Father, Son, and Holy Ghoſt, and Bleſſed Trinity, and undivided Unity, and in Thankful Acknowledgement of the great Mercies Spiritual and Temporal beſtowed upon Us, and from pure and perfect Charity, for Maintainance and Suſtentation of the Poor and Indigent, for the Service and Worſhip of God our Creator, Redeemer and Sanctifier,) to have Sold, Annailzied, Given, Granted, Diſponed, Doted and Mortified; likeas, We by thir Preſents, Sell, Diſpone, Give, Grant, Annailzie, Dot and Mortifie, in the moſt ſure, firm, abſolute and entire manner Eleemoſinar, to and in favours of the very Reverend Mr. *Andrew Roſs*, now Miniſter at *Tarbat*, and the preſent Elders of the Kirk of *Tarbat*, and their Succeſſors in the ſaid Miniſtry and Elderſhip, (in Being for the time,) as Truſtees and Fide-Commiſſaries for the uſe and behove of the Poor and others after-named, perpetually in all time-coming, (obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſſed, and no otherways,) All and Haill, an Annuity of Thirty Six Bolls of Bear, ſufficient, clean, callar, and well dight, Mercat-met, and Merchand-ware, and to be Met and Meaſured with the Meaſure of *Linlithgow*, yearly to be uplifted and taken betwixt *Yule* and *Candlemas*, furth of all and haill our Quarter Lands of *Weſter-Gainies*, Parts, Pendicles and Pertinents thereof, lying within the Parochin of *Tarbat*, and Sheriffdom of *Roſs*, and preſently poſſeſt by ——, and formerly pertained to —— of ——, or furth of any part or portion thereof, and readieſt Mails, Farms, Profits and Duties of the ſame, to be Kilned and Dryed on the Ground of the ſaids Lands, by the Tennents and Poſſeſſors thereof, and Tranſported from thence by the ſaids Tennents, in their own Sacks, and on their own Horſes, to the Miln of *Tarbat* & *Tarrel*, by equal Halfs, and there Ground in Meal, (and preferable to all other Grindings, as Outſucken, and without payment of any other Dues, except what uſually payed to the Servants by Outſuckners,) and after Grinding, to be Tranſported by the ſaids Tennents, to any part of the ſaid Parochin of *Tarbat*, to be appointed by the ſaid Miniſter and Elders, beginning the firſt years payment of the ſaid Annuity of the Cropt and Year of God one thouſand ſix hundred fourſcore and ſix years inſtant, betwixt *Yule* and *Candlemas* next, and ſua furth yearly thereafter, betwixt *Yule* and *Candlemas* for ever; and alſo, all and haill the Priviledge and Benefit of Kilning and Drying the ſaid Bear on the Ground of the ſaids Lands, Grinding the ſame at the ſaids Milns as Outſuckners, and preferable to all other Grindings, free of all Multure and other Dues, (except what uſually payed to Servants by Outſuckners, as ſaid is.) and likeways with the Priviledge and Benefit of having the ſame Tranſported to and from the ſaid Milns in manner foreſaid, and all which Services to be performed by the ſaids Tennents and Poſſeſſors of the ſaids Lands in all time-coming, as a part of their Services as Tennents and Poſſeſſors of the ſaids Lands, and without any Payment or Exaction from the ſaid Poor, or the ſaid Miniſter and Elders on their accounts. And We Bind and Oblige Us, and

Our Heirs and Succeſſors, duely and ſufficiently to Infeft and Seaſe the ſaid Mr. *Andrew Roſs* Miniſter, and his Elders, and their Succeſſors in the ſaid Miniſtry and Elderſhip, as Truſtees and Fide-Commiſſars foreſaid, for the uſe and behove of the ſaid Poor and others after-mentioned, perpetually in all time coming, (obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſt, and no otherways,) in all and haill the foreſaid Annuity of Thirty Six Bolls of Bear, (of the Quality, Grouth, and with the Meaſure foreſaid) yearly to be uplifted betwixt —— and —— as ſaid is, furth of the ſaids Lands, with the Pertinents, or any part or portion thereof, and readieſt Mails, Farms, Profits and Duties of the ſamine, and als in all and haill the foreſaid Priviledge and Benefit of Kilning and Drying of the ſaid Bear on the Ground of the ſaids Lands, Grinding the ſamine at the ſaids Milns (and by equal halfs) in Meal as Outſucken, and of having the ſamine Tranſported to and from the ſaids Milns, in manner, and free of all paying of Multures or other Dues, (excepting what uſually payed to the Servants of the Miln by Outſuckners, in manner above-expreſſed,) & that by double Infeftments, & manner of Holdings, the one thereof to be holden of Us, Our Heirs-Male & of Tailzie, contained in the Rights and Infeftments of Our Lands and Eſtate of *Tarbat*, and Our Succeſſors; and the other of the ſaids Infeftments, to be holden from Us and Our foreſaids, of the immediat lawful Superiors after-named *viz.* the ſaid Annuity, Kilning and Drying, and Traſportation, of the Right Reverend Father in God —— Biſhop of *Roſs*, and his Succeſſors in that See, and the ſaid Priviledge of Grinding in Meal as Outſuckners, and free of Payment of any Multures or other Duties, (excepting as ſaid is,) of our immediat lawful Superiors of the ſaids Milns of *Tarbat* and *Tarrel*, and both the ſaids Infeftments als well *de nobis* as *à nobis, in puram Eleemoſinam, & in manum mortuam pro precibus & ſuffragiis*, of the Poor after-ſpecified, and others after-mentioned, having the Benefit of this Mortification, in the moſt ſerious, pious, and devout manner that is poſſible, for his Majeſties Sacred Perſon, and his lineal and lawful Succeſſors Well-Being, Health, Wealth, Proſperity, and long and peaceable Reign over his Majeſties ancient Kingdom, and all others his Highneſs Kingdoms, Dominions and Territories, whilſt Sun and Moon endureth in the Firmament, and Crowning them with an everlaſting Crown of Glory thereafter; and likeways for the Well-Being of the ſaid Right Reverend Father and his Succeſſors in the See, and for the true Holy and Catholick Church, and their Patron, his Lady, Children, and Succeſſors, and all their Benefactors, and that by Reſignation or Confirmation, in the option of the ſaid Mr. *Andrew Roſs*, Miniſter and Elders of the ſaid Church of *Tarbat*, and their Succeſſors in Place and Office, (the acceptation of the one of the ſaids Infeftments, to be no ways prejudicial to the other,) and for that effect, to make, grant, ſubſcribe and deliver to them (as Truſtees and Fide-Commiſſaries foreſaids, for the uſe and behove of the ſaid Poor and Indigent) ſufficient Diſpoſitions, containing Procuratories of Reſignation, Charters containing Precepts of Seaſin, and other Securities requiſite for that effect, and neceſſar thereanent, with Warrandice always in manner under-written, and on Our proper Charges and Expenſes: And for the better obtaining of the ſaid Infeftment by Reſignation, (but prejudice of the other Infeftment above-written,) We by thir Preſents, Make, Conſtitute and Ordain ——, and ilk one of them, conjunctly and ſeverally, Our very lawful undoubted and irrevocable Procurators, Actors, Factors, and ſpecial Errand-Bearers, to the effect after-ſpecified, giving and committing to them conjunctly and ſeverally, as ſaid is, Our very free, plenary Power, expreſs Bidding, Mandat and Charge for Us, in Our Name, and upon Our Behalf to Compear before the ſaid Reverend Father, immediat lawful Superior of the ſaids Lands, with the Pertinents, and his Succeſſors

ceſſors in that See, and als before Our immediat lawful Superiors of the ſaids Milns of *Tarbat* and *Tarrel*, or their Commiſſioners in their Names, having their Power, to receive Reſignations, and thereupon to grant new Infeſtments, any Day or Place lawful and convenient, and there for Us, in Our Name, and upon Our behalf, with all due Humility, and condign Reverence, as becomes, purely and ſimply by Staff and Baſton, as uſe is, to Reſign, Surrender, Up-give, Over-give, and Deliver; likeas We by theſe Preſents, Reſign, Surrender, Up-give, Over-give, and Deliver, all and haill the foreſaid Annuity of Thirty Six Bolls Bear, (of the ſufficiency, quality, grouth and meaſure foreſaid,) yearly to be uplifted and taken betwixt —— and ——, furth of all and haill Our ſaid Quarter Lands of ——, Parts, Pendicles and Pertinents thereof, (lying and poſſeſt as ſaid is,) or any Part or Portion thereof, or readieſt Mails, Farms, Profits and Duties of the ſamine, to be kilned and dryed, tranſported and grinded in Meal in manner above-ſpecified, in the Hands of the ſaid Right Reverend Father in God —— Biſhop of *Roſs*, and his Succeſſors in the ſaid See, immediat lawful Superiors of the ſaids Lands, with the Pertinents, furth of which the ſaid Annuity is yearly upliftable as ſaid is, (and conſequently of the ſaid Annuity) in favours and for new Infeftments of the ſaid Annuity, to be made & granted to the ſaid Mr. *Andrew Roſs* Miniſter, & to the ſaids Elders of the ſaid Kirk of *Tarbat*, & their Succeſſors in the ſaid Miniſtry and Elderſhip, perpetually in all time-coming, as Truſtees & Fide-Commiſſaries foreſaids, for the uſe and behove of the ſaid Poor, and others above and after-ſpecified, (and obſerving the Rules, Orders, Conſtitutions and Appointments above and after-expreſt, and no otherways,) to be holden the ſaid Annuity in manner above-written; and ſicklike, to Reſign, Surrender, Over-give and Deliver, likeas We by theſe preſents, reſign, ſurrender, over-give and deliver, all and haill the foreſaid Priviledge and Benefit of kilning and drying the ſaid Bear on the Ground of the ſaids Lands, grinding the ſamine in Meal at the ſaids Milns of *Tarbat* and *Tarrel*, by equal halfs as ſaid is, and that free of all payment of Multure, or other Duties whatſomever, (except as is above-excepted,) and likeways with the Priviledge and Benefit of having the ſame tranſported to and from the ſaids Milns, by the ſaids Tennents and Poſſeſſors of the ſaids Lands, as a part of their Service, and without any payment or exaction from the ſaid Poor, or the ſaid Miniſters and Elders on their account, in manner above expreſſed, *in the hands* of our ſaids Superiors of the ſaids Milns, or their Commiſſioners above-ſpecified, in Favours, and for new Infeftment of the ſame, to be Made and Granted to the ſaid Miniſter and Elders, and their Succeſſors in the ſaid Miniſtery and Elderſhip as Truſties, and *fide* Commiſſaries foreſaid for the Uſe, and to the Behove of the ſaid Poor, & others above & after-mentioned; (and obſerving the Rules, Orders, Conſtitutions, and Appointments above and after-expreſt perpetually in all time-coming, and no otherways) to be Holden alſo in manner above-rehearſed, and all in ſuch due and Competent form as accords; but with this expreſs Condition, Proviſion, and Declaration always: Likeas, it is hereby expreſly Provided and Declared, and be it Provided and Declared, by the Reſignation and Infeftments to follow hereupon; And the Miniſter and Elders of the ſaid Church of *Tarbat*, preſent and to come as Truſties and *fide* Commiſſaries foreſaids, are and ſhall be Bound, Obliged, and Aſtricted to keep, and Obſerve the Rules, Orders, Conſtitutions, and Appointments following. *viz. primo*, the ſaid Mr. *Andrew* Roſs Miniſter and Elders of the ſaid Kirk of *Tarbat*, and their Succeſſors in the ſaid Miniſtery and Elderſhip as Truſties and *fide* Commiſſaries foreſaid, for the Uſe and behove of the Poor and Indigent, and others after-mentioned; are hereby Authorized, Appointed and Ordained, to Intromet with, Uplift, Ask, Crave, and Receive the ſaid Number and Quantity of Thirty Six Bolls Bear (of the Sufficiency, Quality,

and Measure foresaid)yearly,and perpetually in all time-coming out of the saids Quarter-Lands of —, which the Pertinents, or any part or Portion thereof, and readiest Mails, Farms, Profits and Duties of the same, and that betwixt Y. and C, and in case of no payment, to obtain Decreet of Poynding of the Ground for the samine, and accordingly to Poynd the Ground therefore, and after payment, yearly to cause the Tennents and Possessors of the saids Lands for the time, Kiln and Dry the said Bear sufficiently; and thereafter cause them Transport the samine in the saids Tennents their own Secks, and with their own Horses, to the saids Milns of *Tarbat* and *Tarral*, be equal halfs in manner foresaid, and then cause Grind the same in Meal,and being Grund,to cause the saids Tennents to Transport the samine in their own Sacks, and upon their own Horses, to any part within the said Parochin of *Tarbat*, the said Trusties think fit, for the better keeping and Distributing thereof, in manner, and to the Persons after-named. *Secondly*, We hereby appoint, destinate, and Ordain the said Meal to be made of the said Bear to be Destribute yearly for the Help, Sustenance, and Entertainment of the Poor and Indigent, living on the Lands after-specified;But with a preference still to decayed Tennents, and their Wives when Widows, that now are, or hereafter shall be upon the Ground of our Lands after-mentioned. *viz.* The —— Lands of ——, and that according to the Divisions and proportions following, *to wit*, Twelve Bolls and an half Boll of the said Bear, and the Meal to be made thereof for the Poor on the saids Lands in —— Paroch. *Item*, Ten Bolls of the said Bear, and the Meal to be made thereof for the Poor in the saids Lands in ——, and —— Paroch, and Twelve bolls Bear and Meal to be made thereof for the Poor of the saids Lands of ——, and the other Six Furlets Bear, and Meal to be made thereof, is hereby appointed, and ordained for the Use and pains of any person, the saids Trusties and *fide* Commissioners please, Nominat, and appoint Overseer yearly for Receiving, Kilning, Grinding, and Destributing of the said Victual; But with this expres Exception, that during the Life of *Anna* Viscountes of *Tarbat*,our dear and affectionat Spouse, Four of the Ten bolls Bear appointed for ——,and — ,& Meal to be made thereof, and Six of the Twelve bolls Bear, and Meal to be made thereof, appointed for — be given to; and distribute by the said Minister and Elders of *Tarbat*, amongst the Poor of the Parochin of —,with a preference to these in —, & — in the first place,and the said —,in —,having the Qualifications hereafter required, and Testified by the Minister of —; and after our saids Ladies Decease, the said Victual to return to the Poor of the former Lands, to whom first Mortified,and destinate as said is in all time-thereafter. *Thirdly*, We appoint and Ordain, that no decayed Tennent get at most, above Two bolls Meal made of the said Bear, and that no other poor One get above One boll Meal, till all be first served, at the rate and Quantity foresaid, and the Overplus (except that appointed to the Person, to be appointed for Receiving, Kilning, Drying, and Destributing of the said Victual as said is,) to be equally Divided according to the foresaids Proportions. *viz.* Twice as much to a decayed Tennent, as any other Person. *Fourthly*, We considering that it will be Troublesome and Expensive to the Poor in —, and —— Paroch, to go to the Paroch of *Tarbat*, to Receive their Proportions aforesaid; Therefore, We, (for the Good and ease of the said Poor sua Remot) by thir Presents, Will and Declare, that it shall be Leisum and Lawful to Us, and our foresaids (without being Guilty of Sacrilege) to answer the like Species of Victual to the Poor in ——, and —— in Lieu, place, and Excambion of the Victual of —, and to Apply the like Quantity of the Victual of —— for the same Use,in the Option of Us and our Successors; providing always the respective Ministers and Session do send a Testificate to the Minister and Session

of

of *Tarbat*; That the ſaids Quantity ſua ſought in Exchange, be firſt payed in to the Poor of the Reſpective Parochines and Diſtribute to them, before We or our Succeſſors can Uſe or Receive any of the ſaid Victual, Mortifed out of the ———, and no otherways. And *Fifthly*, We hereby, will, Appoint and Ordain, that the Liſt of the Poor to whom the ſaid Victual is given yearly, and the *Quota* by Writ, be Recorded in the reſpective Seſſion Books in all time-coming. *Sixthly*, We hereby will Appoint and Ordain, that no Perſons that are Able to Entertain themſelves ſhall be Capable to Receive, or have the Benefit of the ſaid Mortification; Or yet if afterwards ſuch as have the Benefit come to Means, wherby they may Live, or to Health, and get Work, by which they have Suſtinance otherways, then, and in either of theſe Caſes, ſuch are from henceforth to Amit, and Tine the Benefit of the ſaid Mortification, and to be Devolved, and Conferred upon others more Neceſſitous, and greater Objects of Charity; (but ſtill with preferrence to Decayed Tennents, and their Widows Living in the ſaids Lands, in manner above-expreſſed) And where ſome of the ſaid Poor and Indigent perſons Deceaſes, (and none others for the Time to Succeed in their places;) Then the Part and Portion of the Perſon Deceaſt, to be Divided by the ſaids Truſties, and *ſide*-Commiſſioners amongſt the Reſt yearly, until another Offer and be preſented, who is Capable of the ſaid Benefit, by the Rules and Conſtitutions above and aftermentioned. *Seventhly*, We will, and Appoint, that all the Poor in Health, keep Church on the Sabbath-Day, and other Days wherein Divine Worſhip may be had; And if any of them be found wilful Abſtracters from, or Contemners of the Ordinances of God, they ſhall be Re-preſended by the reſpective Miniſters for the firſt Fault, and the Second, and if they fall in the Third, and that the ſame be proven againſt them, before their Reſpective Miniſters and Seſſions, and by them Certified to the Truſties and *ſide*-Commiſſaries; They ſhall from thence-furth Amitt, and Tine the Benefit of this Mortification. And if at any time, any of the ſaid Poor ſhall be Convicted of Blaſphemy, ſpeaking Reproachfully of His Majeſty, or His Government in Church or State, ſpeaking evil of the Donor; or ſhall be found guilty of Theft, or Uncleanneſs by Fornication or Adultery, Habit of Swearing, Lieing, or Drunkenneſs, that thoſe and any of the ſaids Faults being Tryed, Cognoſced and found proven by the ſaid Miniſter and Elders preſent, or to come, Truſties, and *ſide*-Commiſſaries aforeſaid; or by the other Miniſters and Elders within whoſe Paroches they Live, and Teſtified by them to the ſaids Truſties and *ſide*-Commiſſaries; They ſhall from thence furth Amitt, and Tine the Benefit of the ſaid Mortification, and others Choſen in their Places, in ſuch manner as if the Delinquents were naturally dead. And as to the Right of Patronage & Power of preſenting to the ſaids Truſties and *ſide* Commiſſaries, the Number of the Poor, who ſhall have the Benefit of the ſaid Mortification; We hereby reſerve the ſame to our ſelves, & to our Heirs-Male, & of Tailzie in our Lands and Eſtate of *Tarbat*, and Succeſſors for ever in all time-coming; And yet notwithſtanding thereof, We (out of the ſame Meaſure of Piety and Zeal, as that of the Mortification) Declare, and Will, that We or our Succeſſors will preſent None but ſuch as Live upon the ſaids Lands and Eſtate particularly above-mentioned, and ſuch as ſhall from time to time produce Teſtificats to Us from the reſpective Miniſters, and Elders of the reſpective Paroches within which they Live, that they are Indigent Perſons without any probable way of Living, and Perſons free of publick Scandal, and of a Sober and Chriſtian Life, otherways: *Eighthly*, We hereby Will, and Appoint that when any of the the ſaid Poor Dyes, or be found Guilty of any of the ſaids Crimes or Malverſes, ſhall Amitt, and Tine the Benefit of the ſaid Mortification; That immediately thereafter, the ſaid reſpective Miniſters and Elders Intimat the ſame by an Teſtificat

ſtificat, or Extract of the Sentence to Us, our Heirs-Male, and of Tailzie above-ſpecified, and Succeſſors, to the Effect we may preſent others in their place, upon Certificat of their Indigence, and Good, Sober, and Chriſtian Life, and Converſation in manner foreſaid. And farder, We hereby Will, and Appoint, that the preſent Miniſter Compear before the next adjacent —— Sheriff, Commiſſars, Baillies of Regality, or their Deputs, and take the Oath *de fideli*, to obſerve the Rules, Orders, Conſtitutions, and Appointments foreſaids, ſo far as he is Concerned; and Wills, and Appoints him to Adminiſtrat the like Oath of Faithful Adminiſtration to the Elders of his Seſſion; And how oft there ſhall be an Vacancy in the ſaid Kirk of *Tarbat*, as to the Miniſter, the Succeſſor in the ſaid Miniſtry, is immediately upon his Entry to the Charge to take the like Oath *de fideli*, before any of the ſaids Judges, or their Deputs: And the Miniſter from time to time, to Adminiſtrat the like Oath to the Succeeding Elders; And for the better knowledge of Affairs, we hereby Will, and Appoint this our Mortification to be Read previous to the Oath; and albeit there be no frequent Vacancies; yet for the more due Obſervance of all things, We Appoint the ſame to be Read in Kirk and Seſſion once a year, and for the better preſervation hereof, appoints the ſame to be Regiſtrat in the Books of Council and Seſſion, and Three Extracts thereof to be taken out, whereof, One to be kept by Us, and our Succeſſors as Patrons, and the other to be kept by the Miniſter of *Tarbat* for the time, and the Third with the Seaſin, and Confirmation to follow thereupon, to be kept in a Lockar of the Poors Box of the Paroch of *Tarbat*; And We, hereby Will, and Appoint, that our Heirs and Succeſſors never Quarrel or Impugne this our Mortification, but that they duely as Patrons maintain the ſame, and adhere thereto without any Change, Mutation, Variation, or Alteration farder than is hereby Allowed, *As they will Anſwer to GOD, and as they will to be Saved at the Great Day of Judgment.* And alſo Wills, and Appoints the ſaids Miniſter and Elders of *Tarbat* preſent, and to come to Fulfill and obſerve the Premiſſes ſo far as they are concerned, but any Innovation, Change, or Alteration of the ſame, by any Act, Deed, or Conſent of Theirs, witingly or willingly done by them, *As they ſhall Anſwer to GOD*: And moreover We, hereby ſeriouſly Recommend to the ſaid Right Reverend Father in GOD, —— Biſhop of *Roſs*, or his Succeſſors in that Sea. Superiors of the ſaid *Quarter-Lands* of ——, with the Pertinents to Enter the ſaid Truſties, and *fide*-Commiſſaries for the Uſe and Behove of the ſaid Poor and Indigent in the ſaid Annuity yearly to be Upliſted furth thereof as ſaid is; and that by Reſignation, or Confirmation, when ever deſired thereto by the ſaids Truſties and *fide*-Commiſſaries, reſervand always to the ſaid Reverend Father and his foreſaids, the Feu and Teind-Duties yearly, due and payable to them furth of the ſaid Lands and Teinds thereof, which by the ſaid Entry is to be noways prejudged, but ſtill yearly to be Upliſted by, and payed to them furth of the Reſidue of the Rents, Duties, and Teinds of the ſamine Lands by Us, our Heirs and Succeſſors as Heretors, and by our Tennents thereof in all time-coming: And laſtly, We Bind and Oblige Us, and our foreſaids, to Warrand, acquite, and Defend the ſaid *Quarter-Lands* of *Genies*, (furth of which the ſaid Annuity is yearly Upliftable as ſaid is,) and other Priviledges foreſaids, to the ſaids Truſties and *fide*-Commiſſaries above-ſpecified, and their Succeſſors in the ſaid Miniſtery and Elderſhip, for the Uſe and Behove of the ſaid Poor, from all Incumbrances, and Grounds of Eviction whatſomever, as wels Named, as not Named, bygone, preſent, as to come, from all Facts and Deeds done, or to be done by Us, or any of Us; and to make the Writs and Evidents forth-coming to them for that effect, and if neceſſarie, to Exhibit the ſame, to the extent of a Legal progreſs before the Lords of Council and Seſſion, or other Judges competent, to be judicially tranſumpted, and

that

that on our own Charges, Conſenting thir Preſents be Regiſtrat in the Books of Council and Seſſion, or others competent, to have the ſtrength of an Decreet of the Lords, or Judges thereof interponed thereto, that Letters in form as effiers may paſs hereon, and Conſtitutes ——, our Procurators, *&c.* Attour, to the effect the ſaid Mr. *Andrew Roſs*, and Elders of the ſaid Kirk of *Tarbat* (for themſelves, and in Name and behalf of their Succeſſors in the ſaid Miniſtry, and Elderſhip as Truſties and *fide*-Commiſſaries aforeſaid, for the Uſe and to the Behove of the ſaid Poor and Indigent Perſons, with the Preference above-ſpecified, to Decayed Tennents and their Widows,) may be lawfully Inſeſt in the ſaid yearly Annuity, Benefit, and Priviledge above-mentioned, (to be Holden *De nobis*, or *A nobis* as ſaid is;) We hereby make, Conſtitute, and Ordain ——, or any one of you, Our Baillies in that part to the Effect after-ſpecified, with Full Power, Ample Warrand, and Commiſſion to paſs to the Ground of the ſaids Lands, Milns, and others foreſaids, lying as ſaid is; and there give Heretable State and Seaſing, actual, real, and peaceable Poſſeſſion, of all and haill the foreſaid Annuity of Thirty ſix bolls Bear (of the ſufficiency, Quality, Grouth and Meaſure foreſaid,) yearly to be Uplifted, and taken betwixt *Yule* and *Candlemaſs*, furth of all and haill, our ſaid *Quarter-Land* of *Waſter-Gainies*, Parts, Pendicles, and Pertinents thereof, lying and Poſſeſt in manner foreſaid, or any Part or Portion thereof, and readieſt Mails, Farms, Profits and Duties of the ſame to be Kiln'd, Dryed, Tranſported, and Grund in Meal in manner aboveſpecified: And alſo, of all and haill the foreſaids Priviledges, and Benefit of Kilning and Drying the ſaid Bear, on the Ground of the ſaids Lands, and Grinding the ſame in Meal at the ſaids Milns of *Tarbat* and *Tarrel*, and free of all Payment of Multures, or other Duties whatſomever, (excepting as ſaid is:) and likeways, with the Priviledge and Benefit of having the ſame Tranſported to, and from the ſaids Milns by the ſaids Tennents, and Poſſeſſors of the ſaids Lands as a part of their Service, and without any Payment or Exaction from the ſaid Poor, or the ſaids Miniſters and Elders, on their Account in manner above-expreſt, to the ſaid Mr. *Andrew Roſs* Miniſter and Elders of the ſaid Kirk of *Tarbat* for themſelves, and in name and behalf of their Succeſſors in the ſaid Miniſtry and Elderſhip, as Truſtees and *Fide-commiſſars* foreſaids, for the uſe and to the behove of the ſaid Poor and Indigent perſons in our ſaids Lands, particularly above-mentioned, and with a preference to decayed Tennents and their Widows in manner above-rehearſed (and always obſerving the Rules, Orders Conſtitutions and Appointments above-expreſſed, and no otherways,) or to their Actorneys in their Names Bearer of thir preſents, by Deliverance to them of Earth and Stone of the ſaids Lands, Clap of the ſaid Miln, and a Penny Money upon the Ground as uſe is, and this on no ways ye leave undone: The which to do, gives full Power thereanent by this our Precept of Seaſing granted for that effect; In witneſs whereof we have ſubſcribed thir preſents, (written by Mr. *George Dollas*, Son to *George Dollas* of St. *Martines*, Writer to his Majeſties Signet) with our hands at *Edinburgh* the eighteen day of *September* 1686 years, before thir Witneſſes, Mr. *William Denn* Miniſter at *Pitcaplin*, the ſaid *George* and Mr. *George Dollas*, and Mr. *Daniel Urquhart*, Pedagogue to Mr *James Mckenzie* our Son. *Sic ſubſcribitur*, *TARBAT. Will. Denn* witnes, *George Dollas* witnes, D. *Urquhart* witnes, *George Dollas* witnes.

Another MORTIFICATION *by a Gentleman, of a Croft of Land (but in the Duty conſiderable) lying at the City of* Dunkeld, *and in favours of the Poor thereof, and a good Stile, that may be a Rule to the like, and of what Import ſoever.*

BE it kend till all Men by thir preſent Letters, me —— B. of *T.* Heretable Proprietar of the Croft of Land hereafter mortified with the Pertinents; Wit ye me, for the Glory of God, Father, Son & Holy Ghoſt, and bleſſed Trinity, and undivided Unity, and in thankful Acknowledgement of the great Mercies, Spiritual and Temporal beſtowed upon me, and from pure and perfect Charity, for Maintainance and Suſtentation of the Poor and Indigent, and for the Worſhip & Service of GOD our Creator, Redeemer and Sanctifier, to have Sold, Annalzied, given, granted, Diſponed, Doted and Mortified; Likeas, I by thir preſents, Sell, Annalzie, Give, Grant, Diſpone, Dote and Mortifie, in the moſt ſure, firm, abſolute and entire manner Eleemoſiner, to and in favours of the very Reverend, Mr. —— *M.* now Miniſter of the City of Meikle D. and the preſent Elders of the Kirk of the ſaid City of meikle D. and their Sucecſſors in the ſaid Miniſtry and Elderſhip (in being for the time) as Truſtees and Fide-commiſſaries, for the uſe and behove of the Poor after-mentioned, perpetually in all time-coming, All and Haill that Croft of Land, comly called *the Chancellors Croft*, with the Pertinents belonging heretably to me, lying within the Parochen of —— within the Sheriffdom of —— and bounded betwixt (*here the Bounding was inſert*) and preſently poſſeſt by — together with all Right, Title, Intereſt, Claim of Right, Property and Poſſeſſion, as well *petitor* as *poſſeſſor*, whilks I my Predeceſſors and Authors, Heirs and Succeſſors, had, have, or any ways may have claim or pretend thereto, or to any part or portion thereof, or Teinds of the ſame, or to any Annualrent, Annuity, or other Duty whatſoever yearly or Termly upliftable furth of the ſame in time-coming, beginning their Entry thereto, and firſt years payment of the Mails, Duties and Caſualities thereof, of this inſtant Cropt and Year of GOD —— and betwixt *Yule* and *Candlemaſs* next, and ſo furth yearly thereafter, betwixt *Yule* and *Candlemaſs* for ever in all time-coming, and I bind and oblige me my Heirs & Succeſſors duely and ſufficiently to Infeft and Seaſe the ſaid *M.* —— *M.* and his Elders, and their Succeſſors in the ſaid Miniſtry and Elderſhip, as Truſtees & *Fide-commiſſaries* aforeſaid, for the uſe and behove of the Poor after-ſpecified, perpetually in all time-coming; *In all and haill* the ſaid Croft of Land, commonly called *the Chancellors Croft*, with the Pertinents pertaining heretably to me as ſaid is, and lying and bounded in manner above-mentioned, and preſently poſſeſt as above-expreſt, and with free Iſh and Entry thereof, according to uſe and wont, and that by double Infeftments and manner of Holdings, the one thereof to be holden of me and my foreſaids, and the other of the ſaids Infeftments to be holden frae me and my foreſaids, of my lawful Superiors thereof, and both the ſaids Infeftments (as well *de me* as *à me*) *in puram Eleemoſinam, & in manum mortuam pro præcibus, & Suffragiis*, of the Poor after-ſpecified, having the Benefite of this Mortification, in the moſt ſerious, pious, and devot manner that is poſſible for his Majeſties Sacred Perſon, and his Lineal and Lawful Succeſors well-being, Health, Wealth, Proſperity, and happy peaceable Reign over this his Majeſties Ancient Kingdom, and all others his Highneſs Kingdoms, Dominions and Territories (whilles Sun and Moon endureth in the Firmament, and crowning them with an everlaſting Crown of Glory thereafter) and likeways

ways, for the True, Holy and Catholick Church, and for me the Donor, and my Family, and all our Benefactors, and that be Resignation, or Confirmation in the option of the said *M.* —— *M.* Ministers and Elders of the said Church of —— and their Successors in Place and Office, (the Acceptation of the one of the saids Infeftments to be no ways prejudicial to the other) and for that effect to make grant, subscribe and deliver to them (as Trustees and *Fide-commissaries* forelaids, for the use and behove of the said Poor and Indigent) sufficient Dispositions, containing Procuratries of Resignation, Charters containing Precepts of Seasin, and other Securities Requisite and necessar thereanent (with Warrandice always in manner under-written, and on —— proper Charges and Expenses) and for the better obtaining of the forsaid Infeftment by Resignation (but prejudice of the other Infeftment above-written) I by thir presents make Constitute and Ordain —— and ilk one of them conjunctly and severally, my very lawful undoubted and irrevocable Procurators, Actors, Factors, and special Errand-bearers, to the effect after-specified, giving, granting, and committing to them, conjunctly and severally as said is, my very full, free, plain, power, express bidding, mandat and Charge for me in my Name, and upon my behalf, to compear before my lawful Superiors of the said Croft of Land, with the Pertinents, or their Commissioners in their Names, having their Power to receive Resignations, and thereupon to grant new Infeftments any day and place lawful and convenient, and there with all due humility and condign Reverence as becomes, purely and simply by Staff and Baston as use is, to Resign, Surrender, Up-give, Over-give, and Deliver; Likeas I by thir presents, Resigne, Surrender, Up-give, Overgive and Deliver, all and haill the foresaid Croft of Land, commonly called *The Chancellor's Croft*, with the Pertinents, and with free Ish and Entry thereto as said is, pertaining heretably to me, and lying bounded, and presently possest in manner above-written (and here holden as for expreſt *brevitatis causa*) Together with all Right, Title Interest, Claim of Right, Property and Possession, as well *petitor* as *possessor*, whilks I my Predecessors, Cedents and Authors, Heirs or Successors, had, have, or any way may have Claim or pretend thereto, or to any part or portion thereof, or Teinds of the same, or to any Annualrent, or other Duty whatsoever yearly or termly, uplifable furth of the same in time coming, in the Hands of my saids lawful Superiors thereof, or their Commissioners above-specified, in favours, and for new Infeftment of the same, to be made and granted to the said *M.* —— *M.* present Minister of the said City of —— and to the present Elders of the Kirk of the said City, and their Successors in the said Ministrie and Eldership (in beeing for the time) as Trustees and *Fide-commissaries*, for the use and behove of the Poor after-mentioned, perpetually in all time coming, to be holden of the saids Superiors in manner above-rehearsed, and in such due and competent Form as accords, but with this express Condition, Provision and Declaration always; Likeas it is hereby expressly provided and declared, and be it so provided and declared, by the Resignation and Infeftments to follow hereupon, that the said Minister and Elders of the said Kirk of —— present and to come, (as Trustees and *Fide Commissaries* aforesaid) are and shall be holden and obliged, and by the Acceptation hereof, bind and oblige them, to Keep and Observe the Rules, Orders, Constitutions and Appointments following, *viz. Primo*, the said *M.* —— M. present Minister at the said Kirk of —— and Elders thereof, and their Successors in the said Ministry and Eldership (as Trustees and *Fide-commissaries* foresaid, for the use and behove of the Poor and Indigent after-specified) are hereby Authorized, Appointed and Ordained to intromet with, uplift, ask, crave and receive the haill Mails, Farms Kains, Customs, Casualities, Profits and

Duties of the ſaid *Chancellors Croft*, with the Pertinents hereby mortified and diſponed as ſaid is, of the ſaid Cropt and year —— years, and yearly thereafter in all time-coming at the Terms aforeſaid, and in caſe of not payment, to purſue and obtain Decreets before the Judge Ordinar therefore; or in their Option grant and ſet Tacks from three years to three years to reſponſal Tennents for payment of the higheſt Duties, Cuſtom and Services that can be had therefore, by a publick Roup upon a day, and betwixt Hours of that day, to be Aſſigned and Appointed for that effect, and eight days before which day; They are hereby Ordained and Appointed to affix a Paper or Placad upon the Croſs of the ſaid City, betwixt Eleven and Twelve of the Clock in the Forenoon, intimating to all who may be concerned the day and hours of the ſaid Roup, and what thereby intended, and that the Tack and Poſſeſſion will be given to thoſe who offer the greateſt Duty therefore, and ſecures for payment thereof, without reſpect of perſons, Kin, Friend or Allay; And by which Tacks, the Tackſman his Heirs, Executors and Succeſſors, are to be obliged, not only in punctual payment of the Victual yearly at the Terms aforeſaid, and under reaſonable Penalties, and at the leaſt, not only the higheſt Prices that the like Victual of the like quality gives within the Paroch of —— each year of the Tack, but alſo to carry and tranſport the ſaid Victual, (and which is always to be of the very Grouth of the Land it ſelf) to any place within the ſaid City of ——, that the ſaid Miniſter and Elders for the time ſhall pleaſe yearly aſſign and appoint. *Secondly*, I hereby Appoint, Deſtinat and Ordain, the ſaid Victual (after the ſame is received yearly from the Tennent or Tackſmen) either to be ſold at the higheſt price that can be had therefore, or grund in Meal, and to be diſtribute yearly for the Help, Suſtenance and Entertainment of the Poor and Indigent, living within the ſaid City of ——, with a preference ſtill to decayed honeſt Perſons of either Sex (whoſe Means by the Courſe of Providence have failed them) and all (to whom diſtribute) being Perſons of a Holy Life, and Chriſtian Converſation, and ſuch as when in Health make Conſcience to attend the Ordinance, and are not known to be vicious, or Deborders of what in Charity given them. *Thirdly*, I hereby will Appoint and Ordain, that the Price had yearly for the ſaid Victual, or quantity of Meal made thereof, (if grund in Meal and ſo converted) and likeways the perſons to whom given and diſtribute, and what to each Perſon, be written and Recorded in the Seſſion-books in all time coming. *Fourthly*, I hereby will Appoint and Ordain that no Perſons that are able to entertain themſelves, or to work for their Livelyhood, ſhall be capable to receive, or have the Benefit of the ſaid Mortification, and even if thoſe that are indigent, and participat of the ſaid Benefit, afterwards attain to Health, come to Means, by which they may Subſiſt, and may Work for a Livelyhood, albeit averſe from it, then and in either of theſe caſes, they ſhall be *ipſo facto* cut off from, and deprived of the ſaid Benefit; and where ſome of the ſaid poor and indigent perſons deceaſe, and none others (for the time) to ſucceed in their places, then the Part and Portions of the perſons deceaſed, to be divided by the ſaids Truſtees and Fide-Commiſſaries, amongſt the reſt yearly, until an other, offer who is capable of the ſaid Benefit, by the Rules and Conſtitutions above & after-mentioned. Fifthly, I hereby Will and Appoint, that all the Poor (if in Health) keep Church on the Sabbath-Day, and other Days (wherein Divine Worſhip may be had,) and if any of them be found wilful Abſtracters from, or Contemners of the Ordinance of God, they ſhall be reprehended by the reſpective Miniſters for the firſt and ſecond Faults, and if they fall in the third, (and that the ſame be proven againſt them before the Miniſter and Seſſion, Truſtees and Fide-Commiſſaries aforeſaid,) they ſhall from thencefurth amit and tine the Benefit of this Mortification; and if at any time, any

of

of the ſaid Poor, ſhall be convicted of Blaſphemy, ſpeaking reproachfully of His Majeſty, or his Government (in Church or State,) ſpeaking evil of the Donor, or ſhall be found Guilty of Theft, or Uncleanneſs, by Fornication, or Adultery, habit of Swearing, Lying, or Drunkenneſs, that theſe and any of the ſaids Faults being tryed, cognoſced, and found proven by the ſaid Miniſter and Elders (preſent and to come, Truſtees and Fide-Commiſſaries aforeſaid, who are hereby appointed Judges in that caſe,) they ſhall from thencefurth amit and tine the Benefit of the ſaid Mortification, and others choſen in their places, in ſuch manner as if the Delinquents were naturally dead. And as to the Right of Patronage and Power of Nomination and Admiſſion of the ſaid Poor, I for me and my foreſaids, hereby Confer, Entail, Devolve upon, and freely and abſolutely Bequeath and Grant the ſame to the ſaid Miniſter and Elders of the ſaid Kirk of——, or Plurality of them preſent, (the Miniſter being always *ſine quo non*;) and farder, I hereby Will and Appoint, that the preſent Miniſter compear before the next adjacent Sheriff, Commiſſar, or Baillie of Regality, or their Deputs, and take the Oath *de fideli*, to obſerve the Rules, Orders, Conſtitutions, and Appointments aforeſaid, (ſo far as he is concerned,) and that done, I hereby Will and Appoint him to Adminiſtrat the like Oath of faithful Adminiſtration to the Elders of his Seſſion. And how oft there ſhall be a Vacancy in the ſaid Kirk of——, (as to the Miniſter,) the Succeſſor in the ſaid Miniſtry, is immediatly upon his entry to the Charge, to take the like Oath *de fideli*, before any of the ſaids Judges or their Deputs, and the Miniſter from time to time to Adminiſtrat the like Oath to the ſucceeding Elders. And for the better knowledge of Affairs, I hereby Will and Appoint this my Mortification, to be read previous to the Oath; and albeit there be no frequent Vacancies, yet for the more due Obſervance of all Things, I appoint the ſame to be read in Kirk and Seſſion once a Year; and for the better Preſervation hereof, Appoints the ſame to be Regiſtrat in the Books of Council and Seſſion, Sheriff-Court-Books of——, or Commiſſariot-Books of——, and three Extracts thereof to be taken out, whereof one to be keeped by me and my foreſaids, and another to be keeped by the Miniſter of——, and the third with the Seaſin (and Confirmation to follow thereupon) to be keeped in a Locker of the Poors Box of the Paroch of——. And I hereby Will and Appoint, that my Heirs and Succeſſors never quarrel or impugn this my Mortification, but that they duely maintain the ſame and adhere thereto, without any change, mutation, variation, or alteration whatſomever, further then is hereby allowed, as they will Anſwer to God, and as they will to be ſaved at the great day of Judgment; and alſo Wills and Appoints the ſaid Miniſter and Elders of——, preſent and to come, to fulfil and preſerve the Premiſſes, (ſo far as they are concerned,) but any innovation, change, or alteration of the ſame, by any Act, Deed, or Conſent of theirs, willing or wittingly done by them, as they ſhall Anſwer to God. And laſtly, I Bind and Oblige me and my foreſaids, to warrand, acquit and defend the ſaid Croft of Land, with the Pertinents hereby Mortified and Diſponed to the ſaids Truſtees and Fide-Commiſſaries above-ſpecified, and their Succeſſors in the ſaid Miniſtry and Elderſhip, (for the uſe and behove of the ſaid Poor,) from all Incumbrances and grounds of Eviction whatſomever, (alſwell not named as named, bygone, preſent as to come,) at all hands, and againſt all deadly, and to make the Writs and Evidents furth-coming to them for that effect, and if neceſſary, to exhibite the ſame (to the extent of an Legal Progreſs) before the Lords of Seſſion, or other Judges competent, to be Judicially Tranſumed, and that on —— Charges; and in caſe I be found not validly Infeft in the ſaid Croft with the Pertinents, with Power to the ſaid Miniſter and Elders, (or any one of them, or a perſon whom they ſhall appoint) to do the ſame

and that by Service and Retour, Precept to follow thereupon, or otherways as accords, whereby this preſent Right and Mortification may accreſce, and become effectual, for the uſe and ends above-ſpecified. Conſenting thir Preſents be Regiſtrat in the Books of Council and Seſſion, or others competent, to have the ſtrength of an Decreet of the Lords, or Judges thereof interponed thereto, that Letters of Horning, and others neceſſar, in form as effeirs, may paſs hereupon; and to that effect Conſtitutes —— my Procurators, *&c.* Attour, (to the effect the ſaid M. —— *M.* preſent Miniſter of the ſaid Kirk and Elders thereof, for themſelves and in name and behalf of their Succeſſors in the ſaid Miniſtry, and Elderſhip, as Truſtees and Fide-Commiſſaries aforeſaid, for the uſe and to the behove of the ſaid poor and indigent perſons within the ſaid City of ——, with the preference Above-ſpecified, and in the terms Above-mentioned) may be lawfully inſeſt in the ſaid Croft of Land, called the Chancellor's Croft, with the pertinents lyand bounded and poſſeſt as ſaid is, to be holden *a me*, or *de me* in manner foreſaid, I (now as if I were inſeft therein as Heir to my Predeceſſor, who died laſt Veſt and Seaſed in the ſame, or the indoubted Heretable and Irredeemable Right of the ſame, otherways fully eſtabliſhed in my perſon, and then as now) By thir preſents Make, Conſtitute and Ordain —, or any one of you, my Bailſies in that part, to the effect After-ſpecified, with full and ample Power, Warrand and Commiſſion to paſs to the ground thereof, and there give Heretable State and Saſine, Actual, Real and peaceable Poſſeſſion of all and hail the ſaid Croft of Land, commonly called the Chancellor's Croft, with the pertinents lyand bounded and poſſeſſed, as ſaid is, and with free Iſh and Entry thereto, according to uſe and wont (and which bounding is here holden as for expreſt *brevitatis Cauſa*) to the ſaid M — *M.* Miniſter, and Elders of the ſaid Kirk of —, for themſelves, and in name and behalf of their Succeſſors, in the ſaid Miniſtry, and Elderſhip (as Truſties and Fide-Commiſſaries aforeſaid, for the uſe, and to the behove of the ſaid poor and indigent perſons, within the ſaid City of —, and with the preference Above-ſpecified, and obſerving the Rules, Orders, Conſtitutions and Appointments Above-expreſt, and no otherways) or to their Actorneys in their Names, bearers of thir preſents by deliverance to them of Earth and Stone of the ſaids Lands upon the ground thereof as uſe is, and this on no ways ye leave undone; the whilk to do gives full power thereanent, by this my Precept of Saſine, granted for that effect: *In witneſs whereof*, I have ſubſcribed thir preſents (written by ——, with my hand at ——, the —— Day of ——, and —— Years, before thir Witneſſes.

DISPOSITION and MORTIFICATION by an Heretor for himſelf, and as having Power and Faculty (by the Right formerly granted and taken by him to ſome of his Children,) to diſpone &c. in favours of an Son of the third Marriage, and Heirs male of his Body, Whilks fallzieing to the other perſons after-ſpecified, and their Heirs after mentioned, in the Terms after-expreſſed: Whilks failzieing, (or contraveening the Conditions after rehearſed) the Eſtate is Mortified, (of a pure Stile) the Rules, Orders and Conſtitutions whereof moſt neat firm, and religious, and the more full and better whereof hardly to be found, as afterwards appears.

BE it known to all Men by thir preſent Letters, Me Captain A. C. of K. His Majeſties Maſter Sklaiter; *Foreſuameikle* as by the Right and Diſpoſition dated the 17 day of *February* 1672. Regiſtrat in the Books of Council and Seſſion the 24 day of *December* 1679 years, granted by I. Earl of T. *&c.* heretable Proprietar of the Lands and others after-ſpecified, to me in Liferent, and to A. C. (therein deſigned my ſecond lawful Son) his Heirs and Aſſigneys whatſomver, in Fee, heretably and irredeemably, of all and haill the Lands of E. now commonly called *B.*) with the Houſes, Biggings, -·-- then poſſeſſed by *G. B.* lying within

within the Sheriffdom of S. and likeways by the Resignation and Charter following thereupon, by the Superior, and Seasin following on the same, it is specially provided and condescended, that albeit the said A. C. my Son and his Heirs and Assigneys foresaid were provided and secured in the Fee of the saids Lands and others above-written, yet it should be always leisum and lawful to me and in my power at any time in my lifetime, (*etiam in articulo mortis*) by my self alone, without the Advice of my said Son and his foresaids,) to make and grant all manner of heretable and irredeemable Rights, Dispositions, Alienations and *Infeftments*, or redeemable Rights under Reversion to whatsomever person or persons of the Lands and others above-specified, or of any part and portion of the same, or to make and grant Rights and Infeftments to them of any Annualrent or Annualrents yearly to be uplifted furth thereof, or any part or portion of the same, and to contract Debts & Sums of Mony thereupon, or otherways to use and dispose upon the same sicklike and alse freely, and in the same form and manner, as if the said A. C. and his foresaids were not Liars as said is, of the Lands and others above-specified, likeas by another Right and Conveyance made by me of the saids Lands and others foresaids, by vertue of the said Power and Faculty and of my other Estate, dated the eight day of *August* 1684. years, containing Procuratory of Resignation, and diverse other Clauses for new Infeftment thereof, to be made and granted to my self and the Heirs-male lawfully procreat or to be procreat of my Body, whilks failzieing to my Heirs Female therein specified, also of my own Body, with and under the expres Reservations, Provisions, Conditions, Limitations and Restrictions therein mentioned, and no otherways, and failzieing of Heirs-male and Female of my Body as said is, then and in that case in favours, and for new Infeftment thereof, to be made and granted to the other persons & *Fide-commissaries* therein and after-named, for the Use and behove of the other persons and Poor therein, and after-expreft, by way of Mortification, and upon the Provisions, Conditions and Observance of the Orders and Rules therein and after-expreft,) I have reserved Power to my self at any time in my lifetime; (*etiam in lecto ægritudinis & articulo mortis*) notwithstanding of the said Right, and without consent of all or either of the saids persons, or of their Tutors and Curators albeit Minors for the time) to alter, innovat and change the said Tailzie, Substitution, Destination, and Mortification in all or any part thereof, as I please, and likeways to make new Tailzies Substitutions and Destinations by a Paper, a part, under my hand, subscribed before famous Witnesses, in favours of any person or persons I please, and in whose favours the saids other persons by the said Right are obliged to denude *omni habili modo*: and in like manner Power to my self as said is, to sell, annalzie and dispone either in Wodset or irredeemably the saids Lands and others above-specified, contained in the said first Right above-narrated, and likeways the other Lands and Estate mentioned and contained in the said last Right above-narrated, and to contract Debts thereupon, and to grant Rights of Liferents, Annuities and others furth thereof, and that to any person or persons I please, and as to me shall seem expedient, and to make, grant, subscribe and deliver Dispositions, Charters, heretable Bonds, and all other Rights and Securities requisit and necessar for that effect, containing Procuratories of Resignation, and all other Clauses needful, and that sicklike in the same manner, and alse freely in all respects, and to all intents and purposes as if the foresaid Right, Disposition, and Mortification had never been made, granted or subscribed, or any Resignation and Infeftment thereupon expede, or taken, and upon all which Reservations, Provisions, Conditions, Limitations, Restrictions and Power and Faculty reserved to me as said is, the said Right Disposition & Mortification were granted and accepted, and Resignation and Infeftment appointed to follow thereupon, and no otherways, as the saids haill Rights, in themselves more fully is contained, *and now* for the Love and Favour I have and bear towards G. C. my lawful Son procreat betwixt me and E. L. my present Spouse, and for his better Subsistance and Beeing in a World, and Continuance and Preservation of my own Memory, *Witye me* (for my self, and by vertue of the said Power and Faculty reserved to me in and by vertue of the saids Rights above-narrated, or in any other Right taken by me in Fee, in favours of any other person or persons, of the saids Lands & other foresaids & others Lands, Sums of Mony & Rights after-assigned & disponed, to have given granted, annalzied & disponed, Likeas I by thir presents, (for my self and by vertue of the said power & Faculty, give, grant, annalzie & dispone to & in favours of the said G. C.

my Son, and the Heirs-male lawfully to be procreat of his *B*ody, whilks failzieing to the Heirs-male lawfully procreat or to be procreat of my own *B*ody in this preſent Marriage, whilks failzieing to the *H*eirs-male lawfully to be procreat of my Body in anie other future Marriage, Whilks failzieing to the Heirs whatſomever lawfully to be procreat of the ſaid G, C. my *S*on his Body, (the eldeſt always having Preference without Diviſion) whilks failzieing to the *H*eirs whatſomever of my own Body in this preſent Marriage, whilks failzieing to the Heirs whatſomever of my own body in any other futureMarriage,the eldeſt always having preference with out Diviſion as ſaid is, whilks failzieing to the Heirs-male lawfully procreat or to be procreat betwixt the ſaid A. C. my Son and C. S. his Spouſe, whilks failzieing to the *H*eirs Male of the ſaid A, C. his *B*ody in anie other Marriage, whilks failzieing to the Heirs whatſomever lawfully procreat or to be procreat of the ſaid A. C. his Body in this preſent Marriage, whilks failzieing to the Heirs whatſomever of his *B*ody in anie other *M*arriage, the eldeſt Heir Female having always the preference without Diviſion, whilks failzieing to A, N, Son to C. *N.* Adane procreat betwixt him&S.C. my Siſter,and theHeirs-male lawfully to be procreat of his *B*odie, whilks failzieing to the Heirs whatſomever lawfully to be procreat of his *B*odie, the eldeſt *H*eir Female always ſucceeding without *D*iviſion, (and that with and under the expreſs Reſervations, Proviſions, Conditions, Limitations and Reſtrictions after-mentioned, and no otherways) and failzieing of *H*eirs-male and Female procreat, and deſcending of the ſaid G. C. his Bodie, and likewiſe of my own bodie, in this or anie futureMarriage,& of the ſaidA.C,mySon hisBodyin this or afterMarriage, and of the ſaid A.N. and *H*eirs of his bodie in manner foreſaid,Then and in that caſe I for the Glorie of God, Father Son and Holie Ghoſt, holie and bleſſed Trinitie and undivided *U*nitie, and in Thankful Acknowlegment of the Mercies Spiritual and Temporal beſtowed upon me, and from pure and perfect Charitie for Maintainance and Suſtentation of the Poor and Indigent, for the Worſhip and Service of God our Creator, *R*edeemer and Sanctifier, now as then and then as now, (failzieing as aforeſaid) be thir preſents (for my ſelf, and be vertue of the ſaid Power and Facultie above-ſpecified) ſells, Annalzies, gives, grants, diſpons, dotes and mortifies in the moſt ſure firm, abſolute and effectual manner Eleemoſinar, to and in favours of the *Moderator* and *B*rethren of the Exerciſe of the Presbytrie of P. for the time being, and their Succeſſors from time to time Moderators and Brethren of the Exerciſe of the ſaid Presbytrie of P. perpetually thereafter in all time coming, as Truſtees and Fide-commiſſaries, for the Uſe and Behove of the Poor, and others after-named, (and obſerving the Rules, Orders, Conſtitutions and Appointments after expreſt and no otherways) *All and ſundry* my Lands and others after-ſpecified, *viz. All and haill* the foreſaids Lands of *E.* L. now commonly called B.) with Houſes, Biggings, Yards, Meadows *&c.* occupied, poſſeſſed, and lying as ſaid is, and alſe all and haill the Kirk-Lands, alſewell Parſonage as Viccarage of the Pariſh-kirk of T. called K. with the *P*endicle thereof called, the Lands of G. with the Mannor-place, and all and ſundry Houſes, Biggings, Yards, — (excepting and reſerving alwiſe to the Miniſter of T. and his Succeſſors, ſerving the Cure at the Kirk of T. for the time four Acres of the ſame Lands, with the Manſe conform to the Tenor of the Act of Parliament made thereanent, which is and has been poſſeſſed by the ſaid Miniſter of T, and his predeceſſors Miniſters ſerving the Cure at the ſaid Kirk and excepted furth of the Rights granted to me and my predeceſſors and Authors of the ſaids Lands with the pertinents) lying within the pariſh of T. Regalitie of C. and Sheriffdom of *P*, and in like manner I for my ſelf and by vertue of the ſaid power and Facultie, give, grant, annalzie and diſpone to the ſaid G. C. my Son, and the Heirs-male of his body, whilks failzieing as ſaid is, and that with and under the expreſs Reſervations, proviſions, Conditions, Limitations and Reſtrictions after-mentioned and no otherways, and failzieing of *H*eirs Male and Female procreat and deſcending of the ſaid G, C. his body, and likewiſe of my own body in this or anie future Marriage, and of the ſaid A. C. alſo my Son his Body in this preſent or after Marriage,and of the ſaid A. N. and *H*eirs of his body in manner foreſaid, then and in that caſe, I for the cauſes above-mentioned, be thir preſents for my ſelf and be vertue of the ſaid power and Facultie ſells, annalzies, gives, grants, diſpones, dots and mortifies in the moſt ſure firm abſolute and effectual manner, Eleemoſinar, to and in favours of the ſaid Moderator and *B*rethren of the Exerciſe of the ſaid presbitrie of *P.* for the time being and of their Succeſſors from time to time Moderators and *B*rethren of the Exercile of the

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ſaid preſbitrie of p. perpetuallie thereafter in all time coming, as Truſtees and Fide-commiſſaries for the Uſe and behove of the poor and others afternamed, (and obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſt and no otherwiſe) all and haill the Lands of *H.* with the Tower, Fortalice, Mannor-place, *Houſes Biggings*, —-·-·—·-· and all and hail the ten pound Land of old Extent of O. with Tower Fortalice, Manner-Place —·—· all lying within the Shireffdom of *P.* Acquired by me from Lady M. C. Spouſe to Sir I. M. of R. Advocat, and frae her ſaid Husband for his Intereſt - and als frae A. Counteſs of T. Conform to the two ſeveral Diſpoſitions granted by them to me thereof, and under Reverſion, by payment of the Sum of 20000 merks *Scots* Money, and the other Sums therein ſpecified; and doing, and performing the other Clauſes and Conditions therein-mentioned, and I Bind and oblige me, my Heirs and Succeſſors, duely and ſufficiently, to *Infeft* and Seaſe the ſaid G. C my Son, and the Heirs male of his Bodie; Whilks Failzieing as ſaid is, (with and under the expreſs Reſervations, Proviſions, Conditions, Limitations, and Reſtrictions after-mentioned, and no otherwiſe) and failzieing of Heirs Male and Female, Procreat and deſcending of the ſaid G. C. His Body, and likewiſe of my own Body, in this or any future Marriage; and of the ſaid A. my Son his Body in this preſent, or after Marriage, and of the ſaid A. N. and Heirs of his Body in manner foreſaid: then and in that caſe, to Infeft and Seaſe the ſaid *Moderator*, and Brethren of the exerciſe of the ſaid Presbetrie of P. for the time being, and their Succeſſors from time to time, *Moderators*, and Brethren of the exerciſe of the ſaid Presbitery of P. perpetually thereafter in all time coming; as Truſtees, and *fide* Commiſſaries, for the uſe and behove of the Poor, and others after-named, (and obſerving the Rules, Orders, Conſtitutions, and Appointments after-expreſt, and no otherwiſe;) In all and ſundry the foreſaids Lands and others above diſponed, with the Pertinents Heretably, and irredeemably, and under Reverſion reſpective, in manner as is above-expreſt: and reſerving to the ſaid Miniſter of *T.* As is above-rehearſed, and that in manner following, *viz.* The ſaids Lands of E. called B. and in the ſaids Lands of K. and pendicle thereof called C. with the manner, Place, Houſe, Biggings, —— by double Infeftments, and manner of Holdings the one thereof, to be holden of me and my foreſaids, in free Blench, for payment of an penie *Scots* Money, upon the Ground of the ſaids Lands and others foreſaids, at the Feaſt and Term of *Whitſunday* yearly in name of Blench-farm, if it be asked allenarly: and relieving me and my foreſaids, of the Few-duties, Blench-duties, and other Duties due and payable by me to my lawfull Superiors thereof in time coming after my Deceaſe, and the other of the ſaids Infeftments to be holden frae me and my foreſaids, of my immediat lawful Superiors of the ſame, Sicklike, and als freely in all reſpects as I hold, or may hold the ſame my ſelf; and that by Reſignation or Confirmation, as beſt ſhal pleaſe the ſaid G. C. my Son, and Heirs of his Body, whilks failzieing as ſaid is, and their forſaids, the acceptation of the one of the ſaids Infeftments to be no ways prejudicial to the other, and to Make, Grant, Subſcrive, and deliver to them, all Rights and Securities requiſite and neceſſar for that Effect, (with and under the expreſs Reſervations, Proviſions, Reſtrictions, and Limitations after-ſpecified) and in the caſe of the ſaid Mortification its Exiſtencie, the ſaid *Moderator*, and Brethren of the exerciſe of the ſaid Presbetrie of *P.* obſerving the Rules, Orders, Conſtitutions and Appointments after-expreſſed, and no otherwiſe; as alſo to Infeft and Seaſe them, in the Order, and according to the Subſtitution and Deſtination above-written, in all and haill the foreſaids Lands of *H.* and Ten-pound Land of old Extent of *O.* with the Tower, Fortalice, Mannor-place, Houſes, Biggings —— under Reverſion, as ſaid is; and that be Reſignation thereof, in the hands of my immediat lawful Superiors, of the ſame after-ſpecified, or their Commiſſioners after-mentioned, in manner, and to the effect after-expreſt: And to grant, ſubſcribe, and deliver to them, Procuratories of Reſignation, and other Securities requiſit thereanent (alſo with, and under the Reſervations, Proviſions, Conditions, Reſtrictions, and Limitations after-mentioned.)And in caſe the ſaid Mortification exiſt, as ſaid is, the ſaid Moderator, and Brethren of the Exerciſe of the ſaid Presbytrie of *P.* doing, performing, and obſerving the Rules, Orders, Conſtitutions, and Appointments after-rehearſed, and no otherways: And for the better obtaining of the Infeftment above-written be Reſignation, (and but prejudice of the other Infeftment above-ſpecified) I for my ſelf, and be vertue of the ſaid Power and Facultie, be thir Pre-

ſents, make, conſtitute, and ordain —— and ilk one of them, conjunctlie and ſeverallie, my very Lawful, Undoubted, and Irrevocable Procurators, Actors, Factors, and ſpecial Errand-bearers, to the effect after-ſpecified, giving, granting, and committing to them, conjunctly and ſeverally as ſaid is, my verie full, free, plain Power, expreſs Bidding, Mandat, and Charge for me, in my name, and upon my behalf, to compear before the immediat lawful Superiors of the ſaids Land of *E.* (Vulgarlie called *B.*) with the Pertinents; And als before our Soveraign Lord, the Kings moſt Excellent Majeſtie, or his Royal Succeſſors, immediat lawful Superiors of the haill remanent Lands, Milns, Miln-lands, and others above-diſponed, with the Pertinents, or their reſpective Commiſſioners in their names, having their power to receive Reſignations; and thereupon to grant new Infeftments at, and upon whatſoever day or days, place or places, lawful and convenient: And there, with ſuch due Humilitie and condign Reverence as becomes, purelie and ſimplie be *S*taff and Baſton, as uſe is, to reſign, ſurrender, over-give, and deliver; likeas, I for my ſelf, and be vertue of the ſaid Power and Facultie, be thir Preſents, reſign, ſurrender, over-give, and deliver, all and haill the foreſaids Lands of *E.* now commonlie called *B.* with Houſes, Biggings, —— occupied, poſſeſſed, and lying as ſaid is, and als all and haill the foreſaid Kirk-lands, als well Parſonage as Viccarage of the ſaid Paroch Kirk of *T.* called *K.* with the Pendicle thereof, called the Lands of *G.* with the Mannor-place, and all and ſundrie Houſes, Biggings, —— (excepting and reſerving alwiſe to the ſaid Miniſter of *T.* and his Succeſſors, ſerving the Cure at the ſaid Kirk of *T.* for the time, the ſaids four Acres of the ſame Lands with the Manſe, conform to the ſaid Act of Parliament, in manner above-excepted and reſerved) all lying in manner foreſaid: And in like manner, all and haill the foreſaids Lands of *H.* with the Tower, Fortalice, Mannor-place, Houſes, Biggings, —— and all and haill the foreſaid Ten-pound Land of old Extent of *O.* with the Tower, Fortalice, Mannor-place, Houſes, Biggings, —— alſo lying in manner foreſaid, in the hands of my ſaids reſpective immediat lawful Superiors thereof above-ſpecified, or their Commiſſioners above-mentioned, in favours, and for new Infeftments of the ſame, to be made and granted to the ſaid *G. C.* my Son, and the Heirs-male lawfullie to be procreat of his Bodie, which failzieing, to the Heirs-male lawfullie procreat, or to be procreat of my Bodie in this preſent Marriage, which failzieing, to the Heirs-male lawfullie to be procreat of my Bodie in anie other future Marriage, which failzieing, to the Heirs whatſoever lawfullie to be procreat of the ſaid *G. C.* my Son, his Bodie, (the eldeſt always having preference without Diviſion) which failzieing, to the Heirs whatſoever of my own Bodie in this preſent Marriage, which failzieing, to the Heirs whatſoever of my own Bodie in anie other future Marriage, (the eldeſt always having preference without Diviſion, as ſaid is) which failzieing, to the Heirs-male lawfullie procreat, or to be procreat betwixt the ſaid *A. C.* my Son, and *C. S.* his Spouſe, which failzieing, to the Heirs-male of the ſaid *A. C.* his Bodie in anie other future Marriage, which failzieing, to the Heirs whatſoever lawfullie procreat, or to be procreat of the ſaid *A. C.* his Bodie in this preſent Marriage, which failzieing, to the Heirs whatſoever of his Bodie in anie other Marriage, (the eldeſt Heir-female having always the preference without Diviſion) which failzieing, to the ſaid *A. N.* and the Heirs-male lawfullie to be procreat of his Bodie, which failzieing, to the Heirs whatſoever lawfullie to be procreat of his Bodie, (the eldeſt Heir-female always ſucceeding without Diviſion, and that with, and under the expreſs Reſervations, Proviſions, Conditions, Limitations, and Reſtrictions after-mentioned, and no otherwiſe.) And failzieing of Heirs-male and Female, procreat and deſcending of the ſaid *G. C.* his Bodie; and likewiſe of my own Bodie, in this, or anie other future Marriage; and of the ſaid *A. C.* my other Son his Bodie, in this preſent, or after Marriage; and of the ſaid *A. N.* and Heirs of his Bodie, in manner foreſaid. *Then*, and in that Caſe, in favours, and for new Infeftment of the ſaids haill Lands, Miln, Miln-lands, Teinds, Parſonage, and Viccarage, Mannor-places, Houſes, Biggings, —— to be made and granted to the ſaid Moderator, and Brethren of the Exerciſe of the ſaid Presbytrie of *P.* for the time being, and their Succeſſors from time to time, Moderators and Brethren of the ſaid Presbitrie of *P.* perpetuallie thereafter in all time coming, as Truſtees and *Fide-Commiſſaries* for the Uſe and Behove of the Poor, and others after-named, to whom the ſame, in the ſaid Caſe, are Mortified and Diſponed, in the moſt ſure, firm, abſolute, and effectual manner, Eleemoſinar as ſaid is, (and obſerving the Rules, Orders, Conſtitutions, and Appointments af-

ter-

ter-expreſt, and no otherwiſe,) to be holden of the ſaids reſpective Superiors and their Succeſſors, in ſick due and competent Form as accords: And which Right and Diſpoſition above-ſpecified, and other Rights after-mentioned, with the Reſignation and Infeftments to follow thereupon, are onlie made and granted be me, in favours of the ſaid *G. C.* my Son, and the Heirs-male of his Bodie, which failzieing, to the other Heirs of Tailzie and Proviſion above-ſpecified, with, and under the expreſs Reſervations, Proviſions, Conditions, Limitations, and Reſtrictions after-mentioned; and failzieing of Heirs-male and Female of the ſaid *G. C.* his Bodie, and of my own Bodie, in this, or anie future Marriage: As alſo, of the ſaid *A. C.* my Son, and the ſaid *A. N.* their Bodies, in manner foreſaid, in favours of the ſaid Moderator, and Brethren of the Exerciſe of the ſaid Presbitrie of *P.* for the time, and their Succeſſors aforeſaid therein, as Truſtees and *Fide-Commiſſaries* for the ſaid Poor, and others after-named, perpetuallie thereafter, with, and under the Proviſions and Conditions under-written, and upon the obſerving the Rules, Orders, Conſtitutions, and Appointments after-mentioned, and no otherwiſe, and all hereby appointed to be particularlie ſet down and Ingroſſed in the Inſtrument of Reſignation, and Infeftments aforeſaid to follow hereupon, *viz. Firſt*, Reſerving always to me, my Liferent-right of the ſaids Lands, and others above-diſponed, with the Pertinents, during all the days of my Life, and the Benefit of the Facultie reſerved be me to my ſelf, in manner, and in the Terms after-ſpecified. *Secondly*, It is hereby expreſſie Provided and Declared, that if at anie time hereafter, the Succeſſion of my own Bodie ſhall deſcend to Heirs-female, or in caſe of my Deceaſe without Succeſſion of my own Bodie; and likewiſe, failzieing of the ſaid *A. N.* without Heirs-male of his Bodie, the Succeſſion ſhall deſcend to the Heirs-female of his Bodie, That then, and in that Caſe, the eldeſt Heir-female ſhall ſucceed without Diviſion, and they, and the Heirs-male and female deſcending of their Bodies, ſhall be holden and obliged, and be the Acceptation hereof, bind and oblige them in all time thereafter, to aſſume, uſe, and bear the Sirname of *C.* Arms, Cognizance, and Stile of *K.* nor ſhall it be leiſum and lawful to, or in the power of the Heirs-male or Female, deſcending of the ſaid *A. C.* his Bodie, or of the ſaid *A. N.* his Bodie, (in caſe they ſucceed in the Right of the ſaid Eſtate, be vertue of this preſent Tailzie,) to Sell, Annailzie, Wodſet, Diſpone, or grant Infeftments of Annualrent, or ſet in Tack longer than the Setter's Lifetime, anie of the Lands, or others above-diſponed, with the Pertinents, or yet the Teinds thereof after-aſſigned, nor Contract Debt thereupon, nor do anie other Fact or Deed Civil or Criminal, whereby the Lands, Teinds, and others above-diſponed and aſſigned, or anie Part or Portion thereof, may be anie manner of way Burthened, Affected, or Evicted, Compryſed, or Adjudged; or whereby the ſame may become anie manner of way Caduciarie: Nor ſhall it be leiſum for them, directlie or indirectlie, to Alter or Innovat this preſent Tailzie, or Order of Succeſſion therein-appointed, or to fruſtrat the Dotation and Mortification herein ſet down, in the Event or Caſe before-expreſt. And in caſe the ſaids Heirs-female, deſcending of my own, or my ſaid Childrens Bodie; and failzieing of them, the Heirs-female of the ſaid *A. N.* his Bodie, ſhall failzie to aſſume, and inſtantlie uſe the Name, Arms, and Stile in manner foreſaid, or that the Heirs-male or Female of the ſaid *A. C.* his Bodie; and failzieing of him be Deceaſe, without Succeſſion thereof, the ſaid *A. N.* and Heirs-male or Female of his Bodie, ſhall Sell, Annailzie, Wodſet, or Diſpone, or grant Infeftments of Annualrent, or ſet in Tack longer than the Setters Lifetime, anie of the Lands, and others above-diſponed, or yet the Teinds after-aſſigned, or Contract Debt thereupon, or do anie other Fact or Deed Civil or Criminal, whereby the ſame may be anie manner of way Burthened, Affected, Evicted, Appryſed, or Adjudged, or whereby the ſame may become anie manner of way Caduciarie, or yet Alter or Innovat this preſent Tailzie, or Order of Succeſſion therein-appointed, or do anie Deed to fruſtrat the Dotation or Mortification herein ſet down, in the Event or Caſe before-expreſt, and thereby, or be anie of them Contraveened, to the Proviſions aforeſaid, *Then*, and in either of theſe Caſes; *Not only* ſhall the ſaids Deeds be null and void, (in ſo far as the ſame may Burden and Affect the ſaids Lands, and others above-diſponed, and Teinds after-aſſigned, or theſe who ſhall ſucceed them:) *But alſo*, the perſon Contraveener, ſhall Amit and Tyn all Right he has, or can pretend be vertue of this preſent Right of Tailzie, or otherwiſe, to the ſaids Lands, Teinds, and others foreſaids; and the next in Order of Succeſſion, who

would have ſucceeded therein, (if the Contraveener were naturallie dead) ſhall have Right thereto: And failzieing of the ſaid *G. C.* without Heirs of his own Bodie, and of other Deſcendents of my own Bodie, in this, or anie future Marriage, and of the ſaid *A. C.* his bodie, in this, or anie after Marriage, and of the ſaid *A. N.* without Heirs of his Bodie, or that the Heirs-male or Female of the ſaid *A. C.* his Bodie; and failzieing of them, the ſaid *A. N.* and Heirs-male and Female of his Bodie, (upon whom the Right of the ſaids Lands, Teinds, and others foreſaids, ſhall be Entailed) Contraveen the Premiſſes, the ſaid Moderator, and Brethren of the Exerciſe, or Presbitrie foreſaid, ſhall have Right thereto, and in favours of whom reſpective, the Contraveeners ſhall be holden and obliged to Denude, (under the Proviſions, Limitations, and Reſtrictions always before-mentioned,) and it ſhall be lawful to the next in Order of Succeſſion, and failzieing of Succeſſion, (or in caſe of Contravention) to the Moderator, and Brethren of the Exerciſe, or Presbitrie foreſaid for the time, and their Succeſſors (from time to time) Moderators, and Brethren of the ſaid Exerciſe or Presbitrie, as Truſtees and *Fide-commiſſaries* for the ſaid Poor, and others after-mentioned, to purſue Actions of Declarator, Compryſe, or Adjudge, for Denuding the Contraveeners thereof, they always obſerving and fulfilling the preſent Tailzie, and Condition of the ſame. And in the third place, It is hereby expreſſie Provided and Declared, that as the ſaids Heirs-male and Female of the ſaid *A. C.* his Bodie, and failzieing of them, the ſaid *A. N.* and Heirs-male and Female of his Bodie, in caſe the ſaid Eſtate be Divolved on them, have no power nor libertie to Diſpone, Annailzie, or Wodſet the Lands and others above-diſponed, with the Pertinents and Teinds after-aſſigned, or grant Rights of Annualrent furth thereof, nor ſet Tacks further than the Granters Lifetime; or yet Contract Debt, or do anie other Deed, whereby the Lands and others foreſaids, and Teinds after-aſſigned, may be Burdened, Affected, Evicted, Appryſed or Adjudged, or the ſaid Mortification or Dotation fruſtrat, in manner above-ſpecified: So it ſhall not be lawful to anie of the ſaids Heirs of Tailzie, either Male or Female, to ſuffer and permit the ſaids Lands, and others above-diſponed, and Teinds thereof after-aſſigned, or anie part thereof, to be Compryſed, Adjudged, or otherwiſe Evicted, for anie Debts, or for Feu-duties, Blenſh-duties, Non-entrie-duties, Miniſters and Schoolmaſters Stipends, Reparation of Kirk, and Kirk-yard-dykes, or anie other Ground of Eviction, Debt, or Cauſe whatſoever, whereunto they can be liable. And in caſe they ſhall do in the contrair, (and not Redeem anie ſuch Appryſings or Adjudications, within two years before the Expiration of the Legal;) Then, and in that Caſe, (and how ſoon the Legal comes within the Compaſs of two years of the expiring, as ſaid is) it ſhall be lawful to, and in the power of the next in the Succeſſion and Tailzie, to redeem the ſame, and to poſſeſs the haill Lands and others above-diſponed, and Teinds after-aſſigned, (except what Life-rented as ſaid is,) and haill Maills and Duties thereof, ay and while they be re-imburſed of what they pay, (in order to the ſaid Redemption) with their neceſſarie Expenſes and Annualrent *de die in diem* after Redemption, and during the not payment. Neither in the Diſcharge of their Intromiſſions, are they to be Comptable for anie more than they actuallie intromet with and uplift, (and all Miniſters Stipend, and other publick Burdens, and what elſe payable out of the Lands, and for which they produce valid Diſcharges and Receipts, firſt allowed and Defalcat.) *In the fourth place*, it is hereby expreſly provided, and Declared, that in caſe any of the Heirs-Male, or Female of the ſaid *A. C.* his Body; and Failzieing of them, the ſaid *A. N.* and Heirs Male or Female of his Body, ſhall at the time of their Succeſſion be Debitors, or lyable in any Debts or Deeds, that then, and in that caſe, the ſame Debts and Deeds, ſhall no ways Burden and Affect the ſaids Lands, Teinds and others above-ſpecified, or any part thereof, or yet the Mails, Farms, Profits and Duties of the ſame any manner of way. And in caſe any of the ſaids Perſons, or their Heirs contraveen the Premiſſes; It ſhall be leiſum to the next in order of Succeſſion, or Failzieing of Succeſſion, or in caſe of Contravention; To the ſaid Moderator, and Brethren of the Exerciſe, and Presbytrie foreſaid for the time being, and their Succeſſors from time to time Moderators and Brethren of the ſaid Exerciſe and Presbytry foreſaid, as Truſties and *fide*-Commiſſaries foreſaid;

foreſaid; And for the Uſe above and afterſpeci ed, to Purſue Actions of Declarator, Compryſe, or Adjudge, for denuding the Contraveeners thereof; They always obſerving the preſent Tailzie, and Conditions of the ſame. *In the Fifth place*, It is hereby expreſly provided, and Declared, that notwithſtanding of the Prohibitatory proviſions above-ſpecified; yet it ſhall be leiſum and lawful to the Heirs-Male, deſcending of the ſaid *A. C.* his Body in this, or any future Marriage; And to the ſaid *A. N*, and Heirs-Male of his Body, in caſe the ſaid Eſtate be devolved on them, to grant Joyntures to their Wives, furth of the ſaids Lands and Eſtate; but no ways by Annuities, or yearly Annualrents; but by Liferents of the Property, and not exceeding a Third thereof, which is to be alſo lyable to a Third of Miniſters Stipends, and publick Burdens occurring for the time: And which Joynture is to be in full and plenarie Satisfaction of Terces; And in caſe there be not Heirs Male, but Femals to Succeed in the ſaid Eſtate: It is hereby provided and Declared, that it ſhall be lawful to the ſaids Heirs-Female ſua Succeeding, to provide their Huſbands to Liferents, (not exceeding the half of the ſaid Eſtate,) in ſatisfaction of all Rights of Courtiſie; And it ſhall be lawful to the ſaids Heirs, whether Male or Female Succeeding to the ſaid Eſtate, to Provide their Children (beſides the Heirs) to Sums of Money; The Proviſions of their younger Children not exceeding in the hail Three years free Rent, to be Secured by Infeftment in a part of the Eſtate effeering to the Sum, with Requiſition at their Sixteen years of Age, but carries Annualrent als well yearly and Termly until the ſaid Age, as thereafter during the not payment. And if through not payment, Appryſing or Adjudication follow, the Perſon, Heretor for the time, ſhall be Holden to Redeem the ſame Two years before Expiring of the Legal, or elſe the next in the Right of Succeſſion may do the ſame and Poſſeſs, until Repayed in manner, in the Terms, and with the Latitude above-expreſt. And which Security ſhall alſo bear, (notwithſtanding) premonition at any time, or then (als well as after;) And farder, in caſe the ſaid Eſtate (Failzieing of Heirs-Male) ſhall be Divolved upon the Heirs-Femal, or eldeſt Daughter without Diviſion as ſaid is; and that the Father do not Provide the younger Children in his own Lifetime; *Then*, and in that caſe the eldeſt Daughter, as Heir-Female ſua Succeeding ſhall be Holden and Obliged; And by the Acceptation hereof, Bind and Oblige them to pay the younger Siſters competent Portions, (not exceeding in the whole Three years Free Rent of the Eſtate,) and that at their Eighteen years of Age, or ſooner if they Marry, with Annualrents thereafter during the not Payment; And in the mean-time, to Educat and Aliment them according to their Degree and Quality, until their ſaid Eighteen years of Age, or Marriage reſpective. *And in the ſixth place*, In reſpect the foreſaids Lands of *H.* and *O*, with the manner, Places, Houſes, Biggings, Yeards, Milns, Miln-Lands, and others above-ſpecified, hereby Diſponed are Redeemable, and under Reverſion from me, my Heirs and Succeſſors, by the ſaid *A.* Counteſs of *T*, and others having Right to the ſaid Reverſion by payment, or Conſignation (in caſe of Abſence, or refuſal) of the Sum of 20000 *Merks*, uſual Money of this Realm, and other Sums ſpecified, & contained in the Rights & Infeftments granted to my Cedents and Authors and upon the other Proviſions and Conditions therein contained, Conceived, in our Favours; As alſo, in reſpect the Tenements, and others generally above-mentioned, (but particularly ſet down, nominat and Deſigned in the foreſaid former Rights) pertaining Heretably to me, and lying in the ſaid Burgh of *E*, at leſt that part thereof Adjudged by me from *J. B.* —— are Redeemable, and under Reverſion by Act of Parliament, by payment of the Sums contained in the Decreet of Adjudication, led and deduced at my Inſtance againſt him thereupon, and otherways, thereby due of the Law.

Therefore, it is hereby expreſly Provided and Declared, that it ſhall not be leiſum for the ſaid A. C. my eldeſt Son, or to the Heirs-Male or Femal of his Body; and Failzieing of them, to the ſaid A. N. or Heirs-Male, or Female of his Body; And Failzieing of them, for the ſaids Truſties and *ſide*-Commiſſaries above and after-ſpecified, to Uplift the Sums due, upon the ſaids Lands of *H.* and *O.* with the Pertinents: Or yet the Sums due by vertue of the ſaid Adjudication, except for the ſpecial Uſe and end after-mentioned. *viz.* For Purchaſing Convenient and well holden Land for the Uſes, Ends, and Effects, and under the Conditions and Proviſions herein ſet down, and no otherways. *And in the Seventh place*, Becauſe Failzieing of Heirs-Male, and Female Procreat, or deſcending of the ſaid *G. C.* my Son his Body, and of my own Body in this, or any future Marriage; And of Heirs-Male and Female of the ſaid A. C. and A. N. their Bodies, or in caſe of Contravention in manner foreſaid; not only the ſaids Lands and others Above-Diſponed, with the Pertinents and Teinds After-Aſſigned; But alſo the Tenements, Cellars, Booths, Vaults, Yeards, and others pertaining and belonging to me, lying within the Burgh of *E.* are by thir Preſents, and by vertue of the ſaid other Right and Conveyance made by me of the ſaids Tenements, Cellars, Booths, Vaults, Yeards, and others foreſaids lying within the ſaid Town of *E.* dated the 8 Day of *Auguſt* 1684 years, Procuratorie of Reſignation therein-contained, and Inſeſtments following, or Competent to follow thereupon; (and here Holden as for expreſt, *brevitatis cauſa*,) are *Sold*, *Diſponed*, and *Mortified* by me, to the ſaid Moderator and Brethren of the Exerciſe of the ſaid Presbytery of P. in being for the time, and their Succeſſors, Moderators, and Brethren of the ſaid Exerciſe of the ſaid Presbytery, or from time to time perpetually in all time thereafter, as Truſtees & *ſide*-Commiſſaries for the Uſe & Behove of the Poor, & others after-named. *Therefore*, it is hereby expreſly Provided and Declared; Likeas, It ſhall be expreſly provided and Declared by the Reſignation and Infeftments to follow hereupon; (And likeways, by the Infeftments to follow on the Former Procuratory of Reſignation above-narrated, and Reſignation made by vertue thereof;) That how ſoon the Rights of the ſaids Lands, Tenements, Cellars, Booths, Vaults, Yeards, and others above, and by the ſaid Former Right and Procuratory Diſponed; And Teinds of the ſaids Lands with the Pertinents ſhall come to be Divolved upon, and in Favours of the ſaid Moderator, and Brethren of the Exerciſe of the ſaid Presbytery of P. in being for the time, and their Succeſſors, Moderators, and Brethren of the ſaid Exerciſe or Presbytry, as Truſties and *ſide*-Commiſſaries for the Uſe and Behove of the Poor, and others after-mentioned; And that either by no Exiſtency of the ſaids Heirs, or by Contravention in the Cauſes foreſaid, that then, and immediately thereafter, the Houſes, Yeards, Orchards, Parks, and Office-Houſes of *K.* ſhall be Erected, Converted, Eſtabliſhed, and Founded in an HOSPITAL, to be Deſigned and called in all time thereafter, Captain A. C. His Majeſtie's Maſter-Sclatter his HOSPITAL, wherein (by the Sight, and by the Advice of the Moderator for the time, and Brethren of the Exerciſe, or Presbytry foreſaid, or Major part of them, with the Conſent and Concurrence of the Arch-Biſhop of *G.*) ſhall be ſeparat, ſet a part, and Conſecrat a convenient Room with a Dask and Seats, alſo convenient to be Deſigned in all time thereafter. *The Oratory* of the ſaid *Hoſpital*; and ſiclike, the Moderator and Brethren foreſaid, or Major part of them ſhall Deſign, and ſet a part an Hall and Dineing-Room, and other convenient Rooms for the Poor, and other Perſons after-ſpecified belonging to the ſaid *Hoſpital*, to Ly, and Lodge in, with Beds, and Bed-Cloaths ſuitable, with Cellars, Girnal-Houſes, and other Rooms convenient, Brew-Houſes, and Brewing-Veſſals, and Kitchin, and Kitchin-Veſſals. In the next place, the ſaid Moderator, and Brethren foreſaid, or Major part of them,

them, (the Moderator being always one,) ſhall Nominat and Appoint, and Conſtitute a Factor for Uplifting, and In-gathering of the Rents of the ſaids Lands, Tenements, Cellars, Booths, Vaults, Yeards, and others Above-Diſponed, and Teinds After-Aſſigned, with power to him to uſe Warnings in their Name, Out-put, and In-put Tennents; And Set the Lands and others foreſaids, not under the Rentall which ſhall be Subſcribed, and given in to him the time of his Entry (without Conſent of the ſaid Moderator, and Major part of the ſaid Brethren;) And for keeping and holding of Courts for the ſaids Rents, and Fyning for Unlaws (within the Compaſs of Heretor,) and Uplifting thereof, (except as to the Woods after-ſpecified, for which there is an Forreſter and Keeper appointed in manner after-expreſt;) And to Poynd and Diſtrinzie for the ſaids Rents, Fynes, and Amerciaments; and to grant Diſcharges thereupon; he being always Comptable to the Moderator and Brethren foreſaid, or Major part of them, (whereof the Moderator to be ſtill one,) and that for the Uſe of the Poor, and others after-mentioned. *In the Third place*, After the ſaid Factor ſo to be appointed, and Comptable to them, hath Uplifted an Years Rent, (and at fartheſt, within Year and Day, after the ſaid Moderator and Brethren foreſaid, and their ſaid Factor in their Names, ſhall Attain the Poſſeſſion of the ſaids Lands, Tenements, Cellars, Booths, and others foreſaids, and for Attaining whereof, by the Acceptation of this preſent Right, they ſhall be Holden and Obliged to do, exact Diligence, how ſoon the Right ſhall Divolve to them;) They ſhall then Nominat and Appoint, Fifteen perſons of the Name of *C*, Kindred or Relation of the *Dottar* if ſuch can be had, or can offer themſelves within this Kingdom, ſpecially within the Shyres of A. and B. Men of unblameable and ſober Lives, not under the Age of 40 years, and of an Un-married Life; And Failyieing of perſons of my own Name, Kindred, and Relations; Then ſuch other Poor, and Decayed Men-Tennents out of the Shires of *S.* and P, as the ſaid Moderator and Brethren foreſaid, (or Major part of them, whereof the ſaid Moderator ſtill to be one,) ſhall think fit being always Sober, Grave, and Indigent perſons, of good Fame and Un-married, and not under the Age of 50 years; (The Former of *fourty* years being in Favours of my own Name, Kindred and Relation;) And which perſons ſua to be Nominat, ſhall be preſented to the Chaplian after-mentioned, and by him Admitted, Collated, and Received to the haill Benefit, and Priviledge of being Members of the ſaid *Hoſpital*, in the Chappel and Oratory thereof, and being ſo preſented by them to the ſaid Chaplian, and by him Admitted, Collated and Received as ſaid is; They ſhall Enjoy the haill Profits and Priviledges hereby Appointed to the Poor of the ſaid *Hoſpital* in manner, & upon the Terms after-mentioned, during all the days of their Lifetime: And for that Effect, I the ſaid Captain *A. C*, (in caſe the Right be Divolved on the ſaid Moderator, and Brethren, and for the Uſe foreſaid as ſaid is) Nominats, Conſtitutes, and appoints the ſaid Moderator, and Brethren before-mentioned, Truſties, and *ſide*-Commiſſaries foreſaid, or Major part of them for the time being, (the Moderator being ſtill one,) Patrons of the ſaid *Hoſpital*, for Electing, Nominating, and preſenting the Poor before-mentioned; And other perſons after-ſpecified, and conferring upon them the Rights, Priviledges, Profits, and Benefits of the Poor, or other Members hereafter, appointed in the ſaid *Hoſpital*, and belonging thereto, and to which Moderator, and Brethren of the Exerciſe (or Presbytry,) *ſide*-Commiſſaries and Patrons foreſaid, (or Major part of them in being for the time, the Moderator being ſtill one;) I alſo hereby Committ (for the Uſe of the ſaid *Hoſpital*, and Members thereof according to the Rules, Orders and Deſtinations hereby appointed, and no otherways;) The Managment of the Rents and Revenew of the Lands and others before mentioned hereby Mortified, and

Doted to the ſaids *Hoſpital*: And likeways of the Tenements, Houſes, Cellars, Vaults, Booths, and others Mortified by me, by the former Procuratory above-narrated; As alſo the Inſpection of the Edifices, Houſes, Parks and Yeards, the Lives, Manners, and Converſations of the Poor, and Members of the ſaid *Hoſpital*; The Advocation, and Defence of the ſaid *Hoſpital*, Lands, Rights and Priviledges thereof preſently, and formerly Mortified, or that ſhall happen hereafter to be Mortified, or Accreſs thereto: And the Purſuing and Defence of all Action and Intereſt wherein the ſaid *Hoſpital* Poor, or Members thereof may be concerned, the Out-putting and In-putting of Chamberlands and Factors, for Receiving of the Rents; The taking of Caution for their being Comptable; The Changing or Removing of Tennents by themſelves, or their Chamberlands and Factors aforeſaid appointed by them, the Seting of long or ſhort Tacks (not exceeding the ſpace of Nineteen Years at once,) and ſpecially, (but prejudice of the Generallity,) the due and punctual Obſervance of the Rules, Orders, and Statutes of this Foundation without any Change or Alteration thereof; And which (by Acceptation of this preſent Right) they are faithfully to obſerve, & cauſe be obſerved, obtempered & fulfilled, ſo far as in them Lyes without any Change, Mutation, Alteration, or Variation as They ſhall be Anſwerable to GOD Almighty at the Great Day, to which they Subject themſelves, if Witingly and Willingly they Tranſgreſs, or Failzie in Obſervance thereof: Likeas, the *M*oderator for the time being, and Brethren foreſaid, and their Succeſſors in all time-coming, ſhall be Holden and Obliged, (immediately, and upon the Acceptation of this preſent Right of Truſt, Patronage, and Advocation foreſaid,) to Swear, and take an Oath Leallie, Faitfullie, and Truely, (to the beſt of their Power, skill and knowledge) to Adminiſtrat and Defend, Inſpect and Obſerve the Lands, Tenements, Cellars, Buiths, Vaults, Teinds, and others the Patrimony of the ſaid Hoſpital, Rights and Priviledges thereof, Manners, Eſtate and Condition of the Poor Members thereof, and maintain the Rules, Orders, Statutes & Appointments hereby ſettled, without any innovation or alteration threof, by any Act, Deed, or Conſent of theirs wittingly and willingly done by them, as they ſhall Anſwer to God; and which Oath ſhall (at the time of their firſt entry to the ſaid Right and Office) be Adminiſtrat to the Moderator of *P.* for the time by the Arch-Biſhop of *G.* for the time being; or in caſe of his deceaſe at the time, or abſence out of the Kingdom, by the Viccar of that Province, and afterwards by the ſaid Moderator to the remanent Brethren of the ſaid Presbytry; and in all time thereafter by the Moderator for the time, to ſuch of the Brethren of the ſaid Exerciſe, or Members of the ſaid Presbytry as from time to time ſhall become Members thereof, and that before they enter upon the Exerciſe of the Right and Truſt hereby committed and given to them. And the ſame Oath ſhall thereafter be Adminiſtrat to the ſucceeding Moderator, from time to time by the Brethren foreſaid, (or major part of them,) before the ſaid Moderator's Entry upon the Exerciſe of his Right and Truſt. And becauſe it is Provided, that the perſons of my own Name, Kindred and Relation, ſhall be preferred to be Members of the ſaid Hoſpital, and enjoy the Profits and Priviledge thereof, therefore I hereby Provide, Appoint and Ordain, that before the ſaid Moderator and Brethren foreſaid proceed to the Nomination, Election, and Admiſſion of the Poor of the ſaid Hoſpital, at the firſt or ſubſequent times, they ſhall affix, and cauſe be affixed upon the Mercat-Croſſes of *E. A.* and *B.* and upon the moſt patent Door of the Cathedral-Church of *A.* Programs, or Placads, bearing, that upon a certain Day (to be ſet down and prefixed,) they are to Nominat and Elect one or moe, (as occaſion offers,) diſcreet, ſober, and indigent perſons, (of good fame and report,) to the Right and Priviledge of the Poor and Indigent of the Hoſpital above-ſpecified, Erected by me in the caſe foreſaid, and under the Denomination above-expreſt; and

therefore

therefore desiring and requiring such persons (as are of my own Name, Kinred and Relation, who desires to be admitted to the Benefit and Priviledge of that Society and Corporation, or who can instruct themselves to be of my Name, Kindred and Relation, and of the Age of Fourty Years, as said is,) to compear at such a Place, such a Day, and to bring with them Testimonials from the Minister, Church-Wardens, or Elders of the Parish where they reside, of their Name, Designation, Honesty, and Sobriety in their Life and Conversation, and from the Sheriffs of the Shires, Baillies of the Burghs and Regalities, Stewarts of Stewartries, and Baillies of Bailliaries where they reside, bearing, that upon Cognition and Tryal taken by the Oaths of Credible Persons, the Bearers are related to me in such Degrees and Relations in Affinity or Consanguinity; Certifying all Persons concerned, that in case no such person of Name and Relation foresaids (bearing the Certificats afore-mentioned) shall compear at the day appointed, that then and in that case, they will proceed to the Election and Admission of such Persons within the other Shires above-prescribed, as Members and Poor of the said Hospital, as they in Charity shall have reason to consider to be indigent persons, of honest Fame, Reputation and Sobriety, as said is. *Item*, (Failzieing of the said *G. C.* my Son and Heirs of his Body, and of my self, and Heirs-Male and Female Procreat, and descending of my Body in manner-foresaid, in this present or After-Marriage, and of the said *A. C.* his Body, in this present or future Marriage, whilks failzieing of the said *A. N.* his Body, so that the said Hospital do thereby exist,) I hereby Appoint and Allow to each of the saids Fifteen Persons, the Sum of Fourscore Pounds, usual Money of this Realm, yearly at *Whitsunday* and *Martinmas* by equal Portions, for their Dyet and Aliment, and the Sum of Fifty Merks Money foresaid yearly, for their Cloathes, Linnens, Gowns, and other Necessaries after-mentioned, to be payed furth of the Rents, Profits, and Duties of the Lands, Tenements, Cellars, Buiths, Vaults, Teinds, and others above-expresst by the said Factor and Chamberlains, to the Matron after-specified, for the end and use after-expresst. *Item*, I Appoint and Ordain the Trustees, Fide-Commissaries and Patrons foresaids, to make Election of a grave Matron, of sober and discreet Conversation, not under the Age of 50 years, (Widow and unmarried,) to whom I hereby Appoint the foresaid Sums, (allowed for the Maintainance of the Poor of the said Hospital,) to be given in, and payed by the said Factor and Chamberlain at the saids two Terms in the Year, by equal Portions and Divisions; and likeways, the foresaids Sums appointed for their Cloathes, Linnings, Gowns, and other Necessaries after-specified, to be payed in to her, at such times as the like may be best and cheapest had, and shall be prescribed by the saids Patrons, but still so as the same may be in readiness against the first of *January* yearly after their entry to the said Hospital. *Item*, I Appoint and Ordain the said Matron, with the Sums aforesaid destinat for Maintainance and Dyet, to provide duely and timeously Provision for the Aliment and Maintainance of the Poor of the said Hospital, and others appointed hereby, and by the said former Right and Procuratory, to be Maintained, and that suitable to the said Allowance hereby given. *Item*, I Appoint & Ordain the said Matron, to provide for them Cloathes, Linnens, Stockings, Shoes, & Gowns, likewise suitable to the said Allowance hereby given, and to keep the Keys of the Cellars, Pantries, Store-Houses & Wardrops, & all other Rooms where Cloathes, and Provisions are appointed to be keeped; and also I Appoint her to keep a Compt-Book of what is Weekly expended for any of the Causes before-mentioned, which is to be made up each *Saturnday*, and Subscribed or Marked by her self, and any two of the Poor of the said Hospital, which from time to time shall be Named by the Patrons and Trustees, to see the Accompt made, and at which Accompt, any of the Poor of the said Hospital (who pleases) may be

preſent to Comptrol and Object againſt the ſame, (if any reaſon they have,) and which Matron is hereby Priviledged, to employ a Servant-Maid, for making ready the Victuals and daily Proviſions, and to perform all acts of Cookrie, Suiping, Cleanſing and making clean the Rooms, makeing of the Beds, waſhing of the Linings, and ſuch other neceſſary Houſhhold acts; (as from time to time) they ſhall be appointed to do and perform by the ſaid Matron: and which Matron and her Maid, are hereby obliged dutifully to attend the Sick of the ſaid Hoſpital when occaſion offers; and I hereby Ordain and Appoint, that there be a convenient Houſe and Lodging without the Gates of the ſaid Hoſpital, for the ſaid Matron and Servant-maids uſe and Accommodation: and I hereby appoint and allow the Sum of 100 *lib. Scots* yearly to the ſaid Matron for her Sallarie and Fee, and 12 pounds Money foreſaid yearly to the ſaid Maid for her Fee, and both to be payed at *Whitſunday* and *Martinmaſs* by equal portions in manner foreſaid, and I appoint the ſaid Matron, to Dyet at the Common-table, with the Poor of the ſaid Hoſpital, or as She pleaſes by her ſelf, and the Servant-maid to have her Entertainment of what is left (and not conſumed) at the ſaid Table. *Item*, I appoint and ordain an Gardner to be named by the ſaid Patron, for keeping in order the Gardens and Orch-yards of the ſaid Hoſpital, Cultivating, Labouring, & Manureing of the ſame, planting of Fruit-trees and other Trees, Flowers, Kail, and other Herbs for the neceſſary uſe of the ſaid Hoſpital from time to time; and recommends to the ſaids Patrons, that if poſſible he be a perſon that has ſome Skill in the Art of Chirurgerie and Apothecarie, that he may be of greater uſe for the Poor, in giving Purgations, Drawing Blood and the like (in caſes of neceſſity) and which Gardner I hereby appoint to be alſo Porter of the ſaid Hoſpital, and by himſelf or his Servants, to Exerce the ſaid Office, and keep the Keys of the Gates: and likeways he is to Brew the Ale and Beer for the uſe of the ſaid Hoſpital, according as he ſhall (from time to time) receive Bear or Malt from the ſaid Matron; and when Browen, deliver in the ſame to the Cellars, (whereof the ſaid Matron is to be keeper in manner foreſaid) and to the which Gardner upon the conſiderations aforeſaid, I hereby allow and appoint the ſuperplus Benefit of the Gardens and Orch-yards over and above what ſhall be requiſite, for the uſe of the Poor of the ſaid Hoſpital and Members thereof; and farder, for his own pains and Labour, (and of ſuch as he ſhall imploy) I ordain him an Houſe for himſelf and his Family to dwell in, and an 100 merks Money foreſaid of Fee yearly, to be payed at *Whitſunday* and *Martinmaſs* by equal portions as ſaid is, and that in place of all farder Fee, or Aliment he or his Servants can claim or pretend to, either as Gardner, Porter or Brewer. *Item*, I ordain and appoint the Poor and other Members of the ſaid Hoſpital, duely and punctually to attend Divine prayer and Worſhip in the Oratory of the ſaid Hoſpital twice a Day, *viz.* At nine a Clock in the Morning, and Six of the Clock at Night, and for the better performing of this Duty, timeouſly and orderly I nominate, and appoint the Miniſter of the Church of T. for the time being, and his Succeſſors ſerving the Cure thereat Chaplains of the ſaid Hoſpital, and ordains him daily at the ſaids Hours appointed, to perform Divine Service in the ſaid Oratory, in the Form and manner which ſhall be preſcribed by the moſt Reverend Father in God, the Archbiſhop of G. and the Reverend Moderator, and Brethren of the exerciſe of the Presbitrie of P. whom I earneſtly intreat and beſeech to ſet down, and eſtabliſh a conſtant Form of Prayer for Evening and Morning: and particularly for the Kings Majeſty, and His Lineal and Royal Succeſſors, for the State of the Church Univerſal, and particularly for the Kirk of *Britain* and *Ireland*, and the Government thereof by Archbiſhops, Biſhops and remanent Clergie, Presbiters and Deacons: and I humbly recommend

mend to the Archbishop, Presbytrie, and Brethren foresaid, that they may appoint the said publick Service, Praise and Thanks to be given to Almighty God, for blessing me the Donar, and enableing and inclining me to make and settle the foresaid Mortification, with such thankful Commemoration of my name as they shall think fit, and consistant with the foresaid Office and Worship; And likeways, I recommend to the said Arch-Bishop, Moderator, and Brethren foreaid, to set down and Prescribe a Set-Form of Grace before and after Meat, which shall be constantly used when they Eat in Common, and which is Appointed to be Said and performed by such of the Poor Members, as the said Moderator and Brethren foresaid (from time to time) shall appoint. And that each Morning and Evening such Portions of the Holy Scripture shall be Read, and such Portions of Psalms Sung, as the Arch-Bishop, Moderator, and Brethren foresaid shall Set down and Appoint. And because the Minister of the said Church of *T*, *alias* S. is not only Minister of the Paroch where the said *Hospital* is; But also, I have Appointed him to perform the Worship aforesaid Dayly, Morning and Evening: And I hereby likeways, appoint him to Visit, Exhort, and Instruct the Members of the said *Hospital* as Occasion offers; I therefore, for his Pains and farder Encouragement Allow, Ordain, and Appoint to him, and his Successors, as Chaplands foresaids of the said *Oratory*, the Sum of 200 *Merks* Money foresaid, yearly to be payed to them at *Whitsunday* and *Martinmass*, by equal portions as said is, furth of the Rents, Profits, and Duties of the said Lands and others before, and now Mortified and Disponed; And in case through Sickness, or other necessary cause of Absence, the said Minister shall not be able to Attend Personally, the performance of the said Office of Prayers, Praises and Lectors, I Nominat and Appoint (in case of Sickness, or necessary Absence as said is;) The Reader of the said Church of *T*, *alias* St. *Bride* for the time being to Officiat in his Absence, to whom I also Recommend once in the Moneth to Catechise the Poor, and other Members of the said *Hospital*, upon these Grounds of Faith and Doctine, Settled and Appointed in any Catechism approven, or to be approven by the church of *Scotland*. *Item*, as I have now, and before Mortified, the Woods of the saids Lands of *K*. and *G*, and others foresaids, alswell as the Lands themselves, for the Ends and Uses above-specified; So as before, I hereby now Destinat and appoint the same Woods that are now, and hereafter shall be on the saids Lands, Pertinents and Pendicles thereof, to be keeped, preserved, and made Use of, for Repairing and Upholding the Houses of the Tennents of the Mortified Lands, and for the Office-Houses of the said *Hospital*; and for the better Preservation of the same, and Planting after-specified (about the House;) I Nominat, Constitute, and Appoint the Reader of the said Church of *T*. (for the time being;) my Forrester giving, granting, and Committing to him my full Power, (in Name of my self, and Poor in the said *Hospital*, and Patrons thereof, to Call, and Conveen by all Actions competent of the Law, all and whatsomever Persons, who shall Cut, and Destroy the saids Woods and Planting, and Haining about the House and *Hospital*; Breaking down the Fences thereof, or Pasture therein without Leave or Warrand (only the Tennents shall have still the Priviledge of Pasturing within the saids Woods; and the Minister for his four Soumes but not to destroy or cut the Woods) and for his said Care and Pains, or Reader and Forrester foresaid, I appoint and allow to him the Sum of one hundred Merks Mony foresaid yearly to be payed to him at *Whitsunday* and *Martinmass* by equal Portions as said is, furth of the Rents, Profits and Duties of the Lands, Cellars, Booths, Tenements and others above-mortified and disponed with the Pertinents, and likeways *I* appoint and allow to him the haill Fines and Amerciaments of such as shall be found guiltie of cutting of Green-wood, breaking of Fences, or

 pasturing

Paſturing thercin without Warrand ſo far as the Law is applicable to the Proprietars of the ſaid Wood, only the Tennents are to have the priviledge of Paſturing in the ſaids Woods, and the Miniſter for his four Soumes in manner foreſaid, *Item* I will & appoint that the ſaids Fifeteen Perſons Poor, and Members of the ſaid Hoſpital, and ſuch other as from time to time ſhall be added to the ſaid Number (in the Event mentioned) that they ſhall conſtantly wear a long Purple Coloured Gown, Cap and Stockins conform, and that they ſhall conſtantly abide and reſide in the ſaid Hoſpital, and ſhall not ly forth thereof by the ſpace of one Night without Warrand and Leave from the ſaid Chapland, and in his Abſence from the Reader, and that allenarly for the neceſſarie Occaſion of viſiting their near Relations (and at fardeſt not exceeding the number of four days together, and at one time) as alſo the ſaids Members of the ſaid Hoſpital, Matron, Maid, Gardner, and his Servants foreſaid ſhall conſtantly attend Morning and Evening prayers, and no ways abſent themſelves therefrae, (except for reaſonable Cauſes ſhowen and known to the Chaplain aforeſaid, or in caſe of his Sickneſs or neceſſary Abſence to the ſaid Reader) and ſicklike ſhal dutifullie and conſtantlie attend Divine Worſhip and Service in the ſaid Church of T, Forenoon and Afternoon, the Sabbath-days from the beginning to the end thereof, in their appointed Habits, and to attend upon the Week Days Worſhip & Service in the ſaid Church whenſoever there is Occaſion therefore, in which Attends if they failzie, or without reaſonable Cauſes to be allowed by the Chaplain they ſhall for the firſt Fault be publicklie noticed and reproved, and for the ſecond debarred from the publick Table for three days, and only allowed Bread and Water, and for the third Fault they ſhall tine and amit their place in the ſaid Hoſpital, and others will be choſen in their places: And in like manner I ordain and appoint that if anie of the *Members* of the ſaid Hoſpital ſhall be found cuſtomarie Swearers, given to Drunkenneſs, that for the firſt and ſecond Fault they ſhall be proceeded againſt as in the former caſe, and for the third *Fault* they ſhall be excluded and others choſen in their place by the ſaid Patron and Brethren foreſaid, in manner before-mentioned, and if at any time any Members of the ſaid Hoſpital ſhall be convicted of Blaſphemy, ſpeaking reproachfullie of his Majeſtie, or his Government in Church or *State*, ſpeaking evil of the Donar, or ſhall be found guiltie of Theft, or Uncleanneſs by *Fornication* or Adulterie, or by cruel beating of their Brethren Members or *Servants* of the ſaid Hoſpital, that theſe in anie of the ſaids *Faults* being tryed, cognoſced, and found proven by the Moderator and Brethren *Patrons* foreſaid, they ſhall be extruded from the ſaid Hoſpital & from all Benefit of Membership therein, and others choſen in their places, in ſuch manner as if the Delinquents were naturally dead, *Item* I nominat and appoint the Clerk of the presbytrie for the time, to be Clerk to the ſaid Hoſpital, and who is to keep a Regiſter and Record of the members of the ſaid Hoſpital, their Admiſſion from time to time, and of the yearly Compts and Rents, Charge and Diſcharge of the ſaid Hoſpital, and of the Contracts and Agreements with *Factors* and Chamberlains, and of the Tacks ſet to Tennents, and of the haill Orders, Rules, *Procedours* and Warrands of the *Patrons* and Truſtes, and of the reſpective Sederunts, and what concluded therein, and who is alſo to mark and ſet down in his ſaid Regiſter and Record, any *Papers* taken out of the ſaid Charter-chiſt, for purſuits and proceſſes, to whom delivered, and when delivered back, and which Clerk is conſtantly to be preſent at the opening of the ſaid Charter-chiſt, and for his pains I hereby appoint and allow to him the Sum of twentie pound *ſcots* Mony yearlie, to be payed to him at *Whitſunday* and *Martinmaſs* by equal portions, furth of the Rents profits and Duties of the Lands and others before and now mortified. *Item* I ordain in caſe of the failzie of Succeſſion of the ſaid G. C. his Bodie, and alſo of my own Body in this or future Marriage, and of the ſaid *A. C.* his *Bodie*, whilks failzieing the ſaid *A. N.* and Heirs of his bodie, and that thereupon this my Mortification take effect) that my Charter-chiſt be keeped within an ſecure convenient Charter-Houſe, within the ſaid Hoſpital, and which ſhall have thereupon three different Locks and Keyes, and that one Key thereof be keeped by the Moderator of the *Presbyterie*, and and his Succeſſors, (Moderators thereof) and an other Key by the Chaplain, and his Succeſſors in that Office; and when the Chaplain falls to be Moderator, his Key to be keeped by the Parſon of *P.* and a third to be keeped by one of the moſt indigent of the Poor of the ſaid Hoſpital, to be Deſigned and Named by the Moderator and Brethren, forcſaid Fore-man of the Poor of the ſaid Hoſpital. And I ordain

ordain, That there be no Acceſs to the Charter-Cheſt without theſe three and the Clerk; and that whenever any Paper ſhall be taken out of the ſaid Charter-Cheſt, the Receiver ſhall give a Receipt for them, and the ſaid Receipt to be put, and keeped in the ſaid Charter-Cheſt, until the Papers be reſtored accordingly. *Item*, Becauſe I am hopeful and confident, that (except in the caſe of a general Calamity, War, and Devaſtation, which God in his Mercy preveen) the Rents and Revenues of the Lands, Tenements, and others above-mortified, will be more than defray and exceed the Burthens and Allowance hereby appointed: Therefore, I Will and Appoint, that the Superplus thereof, be imployed by the ſaid Moderator and Brethren, Truſtees, *Fide-commiſſaries*, and Patrons foreſaids, for Upholding and Maintaining the Edifices, and Building of the ſaid Hoſpital, Furniſhing the neceſſar Utencils and Domicils, (which they ſhall find neceſſar thereto;) as alſo, for Furniſhing and Providing the Poor in neceſſary Feuel, (ſo far as the Tennents are not, nor ſhall not from time to time be obliged to in their Tacks,) for defraying of incident Charges in Law Sutes, (if any ſhall happen to occur.) And whatever Superplus can be made from each year, upon cloſing Accompts, I Will and Appoint the ſame to be put forth upon ſufficient Security, and when the ſame ſhall amount to ſuch a Stock, as may yield of ordinar Annualrent one hundred Pounds *Scots*, to Nominat, Choice, and Elect a new Member in manner foreſaid, to be added to the number of the ſaid Poor from time to time, as the ſame ſhall accreſs: And wherein I humbly beſeech, and confidently expects the uttermoſt and exact Care and Diligence of my ſaids Truſtees, as they would deſerve the Bleſſing of God, and encourage others to make ſuch Mortifications. *Item*, I Will and Appoint the ſaid Moderator, and Brethren of the Exerciſe, or Presbitrie foreſaid, Patrons, *Fide-commiſſaries*, and Truſtees before-mentioned, to meet and conveen twice in the year at the ſaid Hoſpital, *viz.* the firſt *Tueſday* of *April*, and firſt *Tueſday* of *October* yearlie, and with them, I appoint the ſaid Clerk to be preſent, who ſhall openlie and publicklie, read in the Audience of the whole Poor, and Members of the ſaid Hoſpital, at each Meeting, the Rules, Orders, and Articles of this Foundation: And they are to proceed from Rule to Rule, Article to Article, and are to cognoſce and conſider, how far the ſame is obſerved and fulfilled; and if anie thing by Overſight and Inaadvertencie Contraveened, to help the ſame afterward, and to Inquire and Inſpect into the Manners and Converſations of the Poor, and Members of the ſaid Hoſpital, and to Puniſh, Deprive, and Exclude, as they ſhall find cauſe, (ſtill keeping and obſerving my Will and Appointment.) And to order and ſet down, ſuch Inſtructions for the Management of the Affairs of the ſaid Hoſpital, (obſerving ſtill the Rules aforeſaid) as they, or major part of them ſhall agree to: Which are to be Written and Recorded be the ſaid Clerk, in the Regiſter of the ſaid *Hoſpital*, and each *Sederunt* Subſcribed be the Moderator and Clerk. *Item*, I Will the ſaid Moderator and *Brethren*, to appoint one of their number to Preach in the ſaid *Hoſpital*, each of the ſaids two Diets of Meeting; and for preventing of anie perſonal Expenſes to the ſaid Moderator and *Brethren*, (when they meet at the ſaid *Hoſpital*, upon the Affairs thereof, twice in the year as ſaid is) I Will and Appoint the ſaid Matron, to provide a Dinner for the ſaid Moderator and *Brethren*, each Diet at Meeting: And I hereby allow twentie five *Merks Scots* for each Dinner, to be payed in to her before-hand be the ſaid Chamberlain, and to be allowed to him in the Accompt of the Rents yearlie, when the ſame are Cleared and Adjuſted.) And for the better Obſervance of this my Will and Appointment, and Obſervation of my Religious Intention in the Foundation foreſaid, I Nominat and Appoint the Arch-Biſhop of *G* (for the time being) where the ſaid Hoſpital is Founded, to be Overſeer of this my Foundation, committing to him the Care and Inſpection thereof: And that the Patrons, *Fide-commiſſaries*, and Truſtees aforeſaid, do their Duties therein, and requeſts them, (as their Affairs or Occaſions will permit) and when their Affairs will not allow, to Delegat two Godlie and Pious *Men* of the Brethren of the other Presbitries in the Diocie, (and who are to make Report) to meet with the Patrons and Truſtees foreſaid, at the foreſaid general Diets of *Meeting*, that they may ſee and conſider, if my Will, Purpoſe, and Intention be Religioullie obſerved; and in caſe (upon Examination and clear Evidence had) it be found, that the ſaid Patrons, Truſtees, and *Fide-commiſſaries* foreſaid, have not accepted the ſaid Truſt, or have not given their Oath *de fideli* upon their firſt Entrie: And thereafter from time to time, or having accepted and given their Oath, that they (contrarie to the

Truſt repoſed in them, and Oath given conform) have willfullie and wittinglie Contraveened my ſaid Will and pure Intention in the ſaid *Mo*rtification, by altering or violating the Acts, Orders, Rules, Conſtitutions, and Appointments above-ſpecified, (contrarie to their Oath.) Then, and in either of theſe Caſes, they ſhall Amit and Tyn all Right competent to them be this preſent Diſpoſition and *Mo*rtification, and the ſame ſhall *ipſo facto* accreſce, appertain, and belong to ſuch Patrons, Truſtees, and *Fide-commiſſaries*, as the ſaid Arch-Biſhop of *G.* (where the ſaid Hoſpital is) ſhall pleaſe, nominat and appoint, and divolve the Truſt upon. And the ſaid *Mo*derator and Brethren of the Exerciſe, or Presbitrie of *P.* ſhall be holden and obliged to Denude themſelves thereof in their favours *omni habili modo*, for the Uſe and Behove of the Poor, and other *Me*mbers of the ſaid Hoſpital, (the ſaids Perſons ſo to be nominat, being Religious Perſons, and in Holie Orders, and not Laicks, and they ſtill obſerving and obtempering my Will and Appointment, Rules, Orders, and Conſtitutions herein ſet down, and giving their Oath *de fideli* upon their firſt and after-entrie to the Truſt *ut ſupra*,) and how oft anie ſuch Perſons to be nominat ſhall contraveen, it ſhall be ſtill lawful (and in the power of) the ſaid Arch-Biſhop, to Elect, Nominat, and Appoint new Patrons, Truſtees, and *Fide-commiſſaries*, (obſerving always my ſaid Will, Appointment, Orders, Rules and Conſtitutions.) And becauſe the keeping and preſervation of the Writs and Evidents of the Lands and others mortified, is of great *Mo*ment and Import, and ſhould the ſame be loſt, (or otherwiſe Abſtracted) were to render my Succeſſion miſerable, and failzieing Succeſſion, clearlie Suppreſs and Irradicat this my *Mo*rtification and Foundation: Therefore, (and to obviat theſe Inconveniences ſo far as is poſſible,) I have drawn and ſubſcribed three Inventars of my ſaids Writs and Evidents, whereof I keep one with the Writs my ſelf, and have delivered an other to *G. D.* of *S.* Writer to his *Ma*jeſties Signet, and a third to ----- *M.* of *B.* as my faithful Friends, in whom I repoſe entire Truſt and Confidence, and the laſt two are Incloſed and Sealed in two Papers: And in caſe of my Deceaſe, (having Succeſſion of my own Bodie) I appoint and ordain my Charter-Cheſt, and Writs and Inventar therein, to be keeped be the ſaid *G. D.* of *S.* for the Uſe of my Children, and to be delivered to them and their Tutors and Curators, upon ſubſcribed Inventar bearing the Receipt thereof; and in that caſe, I recommend to my ſaids two Friends, to deliver the other two Inventars to the Perſons following, *viz.* the one to the ſaid Arch-Biſhop of *G.* and the other to the *Mo*derator and Brethren of the ſaid Presbitrie of *P.* that failzieing afterwards of my ſaid Succeſſion, they may know the Progreſs, and where to find them. *Mo*reover, I conſidering that the Colledge of Juſtice, is alwiſe made up and appointed of eminent Judges and Lawers, and as they are of generous minds, ſo are ever tender of *Mo*rtifications and Pious Works of that Nature, and readie and cheerful to maintain the Right and Priviledge thereof: Therefore, I Will and Appoint the Sum of fifteen Pounds *Scots*, to be payed yearly to the Colledge of Juſtice Box, and an *Jacobus* of Gold (or fifteen Pounds Money foreſaid, as the Value and Price thereof,) yearlie to his *Ma*jeſties Advocat, and that upon the firſt Seſſion day in *November* yearlie, and out of the Rents, Profits, and Duties of the ſaid *Mo*rtified Lands, with the Pertinents, requeſting them earneſtlie to aſſiſt my Pious Foundation, and all Actions and Cauſes that may concern the ſame, and to put the beſt Gloſs thereupon, and Interpret my Sincere, Pure, Religious *Me*aning, and Chriſtian Intent, in the beſt Senſe, Conſtruction, and Extention, in favours of the Poor of the ſaid Hoſpital, and other *Me*mbers thereof, that either Law, or Lords their *nobile officium* will allow. Moreover, failzieing of the ſaid *G. C.* his bodie, and alſo of my own bodie, in this, or anie future Marriage, and of the ſaid *A. C.* his bodie, in this, or anie after Marriage, and of the ſaid *A. N.* and Heirs of his bodie, as ſaid is, I hereby (now as then, and then as now) Mortifie, Give, Grant, Diſpone, and Aſſign to the ſaid Moderator, and Brethren of the ſaid Exerciſe, or Presbitrie of *P.* for the Uſe and Ends foreſaids, (and obſerving the Rules, Orders, Conſtitutions, and Appointments above-ſpecified, and with and under the Reſervations, Proviſions, and Declarations above and after-mentioned) all Contracts and Rights of Wodſets, and Grounds thereof, and Irredeemable Rights and Diſpoſitions, Charters, Infeftments, Procuratories, and Inſtruments of Reſignation, Precepts of *Clare conſtat*, and other Precepts and Inſtruments of Seaſin, Appryſings, Adjudications, and Grounds and Warrands, and Diligence and Execution uſed thereon, and all other Writs, Evidents, Rights, Titles and Securi-

ties,

ties, made and granted to me, my Predeceſſors and Authors, of and concerning the ſaids Lands, Tenements, Cellars, Buiths, and others foreſaids, and Sums due be vertue of the ſaids Wodſets, Adjudications, Appryſings. And all Action of Warrandice, or other Action, Purſuit, Inſtance, and Execution whatſoever competent, or that may be competent to me thereupon, with all that has followed, or may follow on the ſame; and ſurrogating them for the Uſes and Ends foreſaids: In my full Right, Vice, and Place thereof for ever. And admits the Generalitie foreſaid, to be als ſufficient, as if each Writ above-aſſigned and Diſponed, were word be word, herein inſert and ingroſſed, (albeit not ſo done) whereanent diſpenſes for ever. As alſo, I Mortifie and Aſsign to them, all Tacks and Rights of the Teinds, Parſonage, and Viccarage of the ſaids Lands, and others foreſaids, lying out-with the ſaid Burgh of *E.* and all Valuations, Decreets of Plate, and Prorogations, and all other Right I have, or hereafter I ſhall happen to Acquire, of and concerning the ſame, and Rights of the Annuities of the ſaids Teinds, together with the Mails and Duties of the ſaids Lands, Tenements, and others foreſaids, of the firſt Term after my own Deceaſe, and failzieing of Succeſſion of the ſaid *G.C.* his bodie, and als my own bodie, in this, or anie after Marriage, and of the ſaid *A. C.* his bodie, and of the ſaid *A. N.* and Heirs of his bodie, as ſaid is, and thereafter in all time coming, (with and under the Reſervations, Proviſions, and Conditions above and after-ſpecified, and no otherwiſe.) And laſtlie, notwithſtanding of the foreſaid Tailzie, Subſtitution and Mortification, Reſignation and Infeftment to follow thereupon; yet it ſhall be alwiſe leiſum and lawful to me, and in my power at anie time in my Lifetime, (*etiam in Lecto Ægritudinis, & in Articulo Mortis*, and that of and by my ſelf alone, and without Advice or Conſent of my ſaid Children or Succeſſion, or of their Tutors and Curators, albeit Minors for the time, or of the ſaid Moderator and Brethren of the Exerciſe, or Presbitrie of *P.* or of the Poor and other Members of the ſaid Hoſpital, or of the ſaids Overſeers, or of anie other perſon or perſons, Religious or Laick, who may ſeem to be concerned, or yet of anie repreſenting them,) to alter, innovat, and change the ſaid Tailzie, Subſtitution, Deſtination and Mortification, in all or anie Point thereof, as I pleaſe. And likewiſe, to make new Tailzies, Subſtitutions and Deſtinations, be a Paper a-part under my own hand, ſubſcribed before famous Witneſſes, in favours of anie perſon or perſons I pleaſe: And in whoſe favours, the ſaids other perſons ſhall be obliged to Denude, *omni habili modo*; and in like manner, to Sell, Annailzie and Diſpone, either in Wodſet, or Irredeemablie, the ſaids Lands, Tenements, Cellars, Buiths, Vaults, Teinds, and others above-mentioned, and to Contract Debts thereupon, and to grant Rights of Liferents, Annuities, and others furth thereof, and that to anie perſon or perſons I pleaſe, and as to me ſhall ſeem expedient, and to make, grant, ſubſcribe and deliver Diſpoſitions, Charters, Heretable Bonds, and all other Rights and Securities requiſit and neceſſar for that effect, containing Procuratories of Reſignation, and all other Clauſes needful: And that ſicklike, in the ſame manner, and als freelie in all Reſpects, and to all Intents and Purpoſes, as if this preſent Right had never been made, granted, or ſubſcribed, or anie Reſignation or Infeftment thereupon exped and taken. And upon all which Reſervations, Proviſions, Conditions, Limitations and Reſtrictions, and Power and Facultie foreſaid, reſerved to my ſelf as ſaid is, thir Preſents are granted and accepted, and Reſignation and Infeftment to follow thereupon, and no otherwiſe, Acts, Inſtruments and Documents, one or more as need beis, in the Premiſſes, to ask and raiſe: And generallie, all and ſundrie other things thereanent, to do, uſe, and exerce, ſicklike, and als freelie in all Reſpects, as I might do therein my ſelf, if I were perſonallie preſent, promiſing to hold firm and ſtable — Conſenting thir Preſents be Regiſtrat, *&c.* Subſcribed at *E.* the third day of *March* 1688 years, before thir Witneſſes.

Nota, *According to this and other Rights, made of the Burgage-Lands, Reſignation and Infeftment followed, wherein all the Tailzie and Mortification were inſert* per expreſſum.

LETTERS of SLANES.

BE it kend to all Men by thir preſent Letters, me G. D. Relict of the Deceaſt W. B. In-dweller in ——, with the ſpecial Advice and Conſent of A. B. and C. B, Brethren-German to the ſaid W. B, and of D. B. eldeſt lawful Son to the ſaid Defunct, and all of us with one Conſent, and Aſſent; and taking Burden on us for the remanent Children, Kindred, and Relations of the ſaid Deceaſt W. B; *Forasmeikle as*, we Conſidering that the ſaid Deceaſt W. B. and A. P. In-dweller in ——, having mete accedentally in the Town of ——, upon the — Day of —— laſt by paſt, and as they were of Good Freindſhip formerly, and Old acquaintance, ſo both of them were deſirous to Intertain Fellowſhip, in participating in ſuch Liquors as the place Affoorded; but having ſhared in more than was convenient, and in effect became Drunk; ſo by their Exceſs they fell at Words, from thence to Blows, and *in fine*, the ſaid W. B. was Killed by the ſaid A. P. without any premeditate Malice, or fore-thought Fellony, yea, for ſeveral years in great Amity, entire Converſe, and Correſpondence: And the ſaid A. P. having now given great Evidence of his Remorſe: and likeways, an Aſſythment according to his Abilities, and better Support of the Defuncts Children: And conſidering likeways, that his Life, were it obtained by the Courſe of Juſtice, would prove of no Avail to us. *Therefore*, we by thir Preſents for our ſelves, and taking Burden as ſaid is, Forgive, Paſs-over, and forever Forget, and in Oblivion, interr all Rankor, Malice, Revenge, Prejudice, Grudge, and Reſentment, that we or thoſe for whom we take Burden in manner foreſaid, have, or may conceive againſt the ſaid A. P. or his Poſterity for the Crime foreſaid; And hereby Exoners and Diſcharges him of all Action, Civil or Criminal competent thereupon againſt him or his Eſtate, and Goods for now and ever; And hereby Frankly and Freely Conſent and Begg, and earneſtly Intreat His Sacred Majeſty, to Grant to the ſaid A. P. a Full, Free, and Ample Remiſſion of the ſaid Crime and Slaughter, and what thereupon may Enſue; And to Diſpone to him the Eſcheat of his own Moveable Eſtate, in reſpect of the foreſaid Aſſythment now given, Conſenting thir Preſents be Regiſtrat, *&c.* for Conſervation, *&c.*

Nota, *I have ſeen ſeveral of thoſe Stiles, both Antient and Modern, wherein the Relict and Freinds, not only Forgive; but likeways Remitte and Pardon the Crime, which is wrong, and but a Miſtake at the beſt; for albeit, a Subject will Forgive an Offence, or Crime ſo far as he is Concerned, and without any future Revenge; Yet none can Remitte and Pardon a Capital Crime, but the Kings Majeſty; And ſo the Remiſſion muſt flow from Soveraignity, the Fountain; And all that Relict, Children or Freinds can do, is to Conſent, and as to the Narrative, it may alter according to the Circumſtances.*

The End of the Fifth Part.

THE

TO

GEORGE

Viſcount of Tarbat, *Lord* Mackleod *and* Caſtlehaven, *&c. Clerk to his Majeſties Council, Regiſters and Rolls*; George Dallas *of* St. Martins, *Author of the whole Work, (whereof this is the* Laſt Part,) *wiſheth all Felicity & Happineſs.*

My LORD,

THE ſingnlar Parts, and rich Endowments with which the great Creator of all Things has bleſſed your Lordſhip, are ſo well known, that it were too large a Task (if not Preſumption in me) to conſume time in their Enumeration. Your Lordſhips Preferments began early, and continued many Years, in ſeveral eminent Stations, not without Interludes; and yet when your Merits and Uſe for the Publick Service, with the Grounds and Cauſes for which laid aſide were weighed in the Ballance of the true Intereſt of the Crown, your Lordſhip as to your Offices, and Royal Favour, was Reſtored & Redintegrat; nor could I as your Relation, and one loaded with your Favours, omit your Lordſhip in my Works, but judged it my Duty to Dedicat this of the *Chancery* to your Lordſhip, (as not improper,) which may be worthy of your Conſideration, when your more ſerious Affairs will allow ſome Diverſion. And your Acceptance of this Token, will much oblige

(*My Lord,*)

Your Lordſhips Affectionat Couſin

and moſt Humble Servant,

GEO; DALLAS;

THE SIXTH (or laſt) PART OF THE Author's Syſtem of STILES,

CONSISTS OF

The Breive of Mortanceſtry (or Succeſſion:) The Service whereof Led and Deduced before the Macers as Sheriffs, Stuarts, Baillies of Regality, Proveſts and Baillies of Royal Burrows in that part of the Shires, Stewartries, Regalities, or Burrows of —— (where the Lands wherein the apparant Heir is to be ſerved ly,) and ſuch are moſtly ſerved before the Macers, both to prevent great Charges, multiplicity of Services before the reſpective ordinary Judges; and likeways, that in caſe any Debates ariſe the time of the Leading, the ſame may be conciliat and cleared by Lawers, and if not ſo, then the Lords of Seſſion (by whoſe deliverance the Commiſſion to the Macers as Judges in that part, and under the Quarter Seal is granted,) will, upon Application, allow one or two of their own Number as Aſſeſſors to the Macers; and ſhould any difficulty yet remain, upon the Aſſeſſors their Report, the Lords (by Interloquitor) will decide the Matter, and ſo the Service takes effect, or the Dyet deſerted accordingly. The whole Proceſs and Method of Proceeding ab initio ad finem, *is here ſet down, and how the perſon Served is to be Infeft, however, and of whomſoever the Lands Hold. Several Queſtions anent Services (as to the point of Succeſſion) Started and Solved; and the Way and Manner propoſed, and likewiſe ſet down, with ſome Diſcriminations and References to the former full Stile. Ye have alſo ſet down the Service of the Breive of Diviſion, and of the Breive of Terce; with a ſhort Diſcourſe anent the Breives of Tutor in Law, Idiotry, Furioſity, Fatuity, (wherein is taken alongſt Dumb and Deaff) Lineing, Perambulation,* &c. *but the Form of Proceſs of theſe not ſet down, and the Reaſons rendered: And ſhews what Breives retoured and what not. And it concludes with Preſentations under the Quarter-Seal, of all ſorts, Summonds of Error, and Tutory Dative, and as to Reprobatures.*

And firſt I begin with a BILL *to the* Lords of Seſſion, *for a Commiſſion to the four Macers, or any two of them, as Sheriffs in that part of the Sheriffdom of* —— &c.

MY *Lords of Council and Seſſion,* Unto your Lordſhips humbly ſheweth, Sir *G. M.* of *T.* Knight Baronet, eldeſt lawful Son and apparant Heir-Male to the deceaſt Sir *J. M.* of *T.* Knight Baronet my Father, Procreat betwixt him and *D. M. E.* his Spouſe. That where I am to raiſe Breives forth of our Soveraign Lords Chancellary, for ſerving of

me neareſt and lawful Heir-Male to my ſaid deceaſt Father, Procreat betwixt him and his ſaid Spouſe, not only in general, but likewiſe in ſpecial, in all Lands, Heretages, Tenements, Annualrents, and others, wherein he died laſt veſt and ſeaſed, as of Fee, at the faith and peace of Our Soveraign Lord, lying within the Sheriffdom of ——, Regalities of ——, and Burgh of ——; and in reſpect divers Services were Chargeable, and that ſundry Queſtions, Debates, and Controverſies may ariſe, the time of the leading and deducing of the ſaid Service, which can hardly be diſcuſſed before the Sheriffs of the ſaids Shires, Baillies of Regalities, or their Deputs, or Provoſt and Baillies of the ſaid Burrows, either upon the Ground of the Lands and others wherein I am to be ſerved, or yet within the Head-Burghs of the ſaids Sheriffdoms, or Regalities, *&c.* within the which the ſame lyes. Therefore, neceſſar it is for me, to have my ſaid Service led and deduced before the four ordinary Macers, before your Lordſhips, or any two of them conjunctly, as Sheriffs in that part of the ſaids Sheriffdoms of ——, and Baillies in that part of the Regality of —, and Burrow of ——, and that within the Tolbooth, or new Seſſion-Houſe of *Edinburgh*, as place moſt fit and convenient therefore, where all Parties having or pretending to have Intereſt, may be heard to oppone and object; and thereuntil, if any Doubt, Difficulty, or Queſtion ſhall happen to ariſe, the ſame may be beſt reſolved by the advice of men of Law, and your Lordſhips Warrand to the Director of the Chancellary, and his Deputs, to emit and direct furth a Commiſſion under the Teſtimony of the Great Seal to them for that effect, in manner under-written, containing Diſpenſation anent the place and time of Vacance, (if any ſhall happen to be,) in manner after-expreſt. Herefore I beſeech your Lordſhips to grant Warrand to the Director of His Majeſties Chancellary and his Deputs, to emit and direct furth of the ſaid Chancellary, a Commiſſion under the Quarter Seal (otherways called the Teſtimony of the *Great Seal*) in due and competent Form of Chancellary, Making, Conſtituting, and Ordaining the ſaids four ordinary Macers before your Lordſhips (or any two of them conjunctly) Sheriffs in that part of the ſaids Sheriffdoms of —— and Baillies in that Part of the Regality of —— and Burrows of —— giving, granting, and committing to them, or any two of them conjunctly as ſaid is, his Majeſties full Power, and ſpecial Command, to ſit within the ſaid Tolbooth (or new Seſſion-houſe) of *Edinburgh*, for ſerving of the ſaids Brieves; and for that effect to Receive, Open, and cauſe the ſaids Brieves be duely proclaimed, Court or Courts (one or moe) to begine, Affirm and Fence, and as oft as need beis, the ſame to continue, Clerks, Serjeants, Officers, Demptſters, and all other Members of Court neceſſar, to Make, Creat, Conſtitute and Ordain, for whom they ſhall be anſwerable) and a ſufficient Number of Perſons of Inqueſt, moſt worthy, leaſt ſuſpected, and who beſt know the verity of the Matter, cauſe be ſummoned and Compear, to paſs thereupon each perſon under the pain of fourty pound *Scots*; And generally all and ſundry other things requiſit and neceſſar in and anent the Premiſes, to do, uſe and exerce als freely and fully as the Sheriffs of the ſaid Sheriffdom of —— or Baillies of the ſaid Regality of ——, or Provoſt or Baillies of the ſaid Burrows might have done therein themſelves, had my ſaid Service been led and deduced before them, and that your Lordſhips may admit and declare the ſaid Tolbooth or new Seſſion-houſe of *Edinburgh*, to be as lawful and ſufficient to the effect foreſaid, as if the ſame were the Toolboth of the Head-Burghs of the ſaid Sheriffdoms of — or Regalities of —, and Burrows of ——, and to diſpence therewith, and likeways with the time of Vacance (if any ſhall happen to be) the time of the leading and deduceing of the ſaid Service for ever,

and

and to declare the ſame to be als ſufficient as if done in lawful time of Seſſion; According to Juſtice and your Lordſhips Anſwer.

This Bill is given in to the Bill-Chamber and writen upon, by the Clerk of the Bills, or one of his Servants, and thereafter paſt in courſe by the Lord Ordinar on the Bills, and ſubſcribed by the Clerk thereof, and thereafter given to the Director of the Chancellary, or his Deputs, who thereupon (and in the terms of the Bill) write out a Commiſſion under the Teſtimony of the Great Seal; and is ſubſcribed by the Director or his Deput on the Back, and ſealed, and the Date of the Bill is always the Date of the Commiſſion, as the Warrand thereof, and concludes with

Ex Deliberatione Dominorum Concilii & Seſſionis.

The Reaſon why direct to the four ordinary Macers, or any two of them, is to guard againſt the Sickneſs or Abſence of any of them, or waiting upon the Lords, otherways the Dyet might come to deſert.

Nota, *The Commiſſion thus expede, the Party calls two of the Macers, and they (after they have read the ſame) go to one of the Lords and one of the Clerks of Seſſion, and there accept of the ſaid Commiſſion, and the Lord takes their Oaths* de fideli adminiſtratione, *Whereupon the party takes Inſtruments in the Clerks Hands, and the Clerk extends a ſhort Inſtrument thereupon, written on the back of the Commiſſion; and the Lord (as well as the Clerk) ſubſcribes the ſame.*

The Macers, or any two of them thus conſtitute Sheriffs, &c. the Party raiſes two Brieves out of the Chancellary, directed to the ſaids four Macers, or any two of them, as Sheriffs and Baillies of Regality, &c. by Commiſſion, and the Brieves *are ſubſcribed by the Director, or his Deput, and that ye may know how all the* Points *of the Brieve are anſwered* in terminis; *I might have ſet down the Brieve here, but unneceſſary; being of a conſtant Stile, and with the Alteration only of the perſons Name and propinquity in Blood to the Defunct, and that it is now directed to the four Macers, or any two of them conjunctly, as Sheriffs and Baillies of Regalities and Burrows in that part, by Commiſſion* ut ſupra, *and not to the Sheriff of the Shire, or other Judge within whoſe Juriſdiction the Lands ly, and by the Service ye will know the Points of the Brieve, and how Anſwered*

The next Stept is, the Macers accepting, go with the partie or procurator to the parliament-houſe about Eleven of the Clock in the Forenoon, and the Commiſſion (after the Macers ſit down) is read publicklie, together with the Acceptance and Inſtrument on the back thereof, and thereafter the Macers nominat and creat the Clerk, Officer and Dempſter of the firſt Court, and take their Oaths *de fideli adminiſtratione*; after which the Court is Fenced, in Name and Authoritie of his Majeſtie and of the Judges by Commiſſion preſent, and thereafter the brieve is produced and read, after which the Clerk (who muſt be a Writer to the Signet alſe well as Nottar) Officer and Dempſter of the ſecond Court are alſo nominat and choſen by the Judges, and Inſtruments taken in the hands of the Clerk of the ſecond Court, upon the Inſtitution and Creation of the firſt court, and Members thereof, and likeways Inſtruments taken upon the Inſtitution and Creation of the ſecond Court and Members thereof, in the hands of the clerk of the firſt court, and the ſaids Inſtruments accordingly extended by the Clerks of the reſpective Courts.

Thereafter the Judges by Commiſſion ſubſcribe a precept (or Warrand and Commiſſion which the Clerk of the ſecond Court draws) to the perſon that is created Officer for the ſecond Court for executing of the Brieves to a ſpecifick Day then judiciallie prefixed, for leading of the Service, the Method and Form whereof, with his Inſtructions, Acts of Court, Inſtruments, Claim and Service) follows, and in Order and firſt the Acts of the firſt and ſecond Court.

Acts of the firſt Court.

AT Edinburgh the --- day of ---- and ---- years,

THe which Day compeared perſonally within the Tolbooth (or new Seſſion-houſe) of *Edinburgh* A. H. and W. S, two of the four ordinary Macers before the Lords of Council and Seſſion as Sheriffs in that part of the Sheriffdoms of -- and Baillies in that part of the Regalitie of ---- and Burrows of ---- ſpecially conſtitute by His Majeſties Commiſſion under the Quarter-Seal, direct to them or any two of them as Sheriffs, *&c.* in that part foreſaid, by deliverance of the ſaids Lords, dated the --- day of --- inſtant, containing Diſpenſation anent the place and time of Vacance to the effect after-ſpecified (if any were) and alſe compeared Sir G. M. eldeſt lawful Son to the deceaſt S. I. M. of T. and produced the ſaid Commiſion direct as ſaid is, being for ſerving of him neareſt and lawful Heir-male not only in General but alſo in ſpecial to the ſaid deceaſt S. I, M. his Father, (procreat betwixt him and *D.* M. E. his Spouſe) in all Lands, Heretages and Annualrents with the Pertinents wherein he died laſt veſt and ſeaſed, as of Fee, at Faith and peace, and bearing the ſaids two Macers their Acceptance of the ſaid Office on the back, and there making Faith *de fideli adminiſtratione*, and deſired them to proceed in the Adminiſtration of their ſaids Offices, conform to the ſaid Commiſſion and Brieves then alſo produced direct to them as Sheriffs and Baillies of Regality and Burrows, in that part foreſaid, and accordingly (and after reading and peruſal of all) the ſaids two Macers elected and choſed *H, P.* Nottar publick in Clerk *I. S.* Indweller in *Edinburgh*, in Officer, and *I. A.* Indweller there, In demptſter for the firſt Court, of the ſaid Service, who being ſolemnly ſworn, made Faith *de Fideli Adminiſtratione*, and that they ſhould execut their reſpective Offices faithfully, ay and while they were legallie prohibit and diſcharged, and cauſed the ſaid Officer Fence the ſaid firſt Court, and thereafter elected and choſe, M, I. B. Nottar Publick in Clerk I. A. one of the Commiſſar-Officers of *Edinburgh*, in Officer, and I. M. Indweller there In Demptſter for the ſecond Court, of the ſaid Service, who being alſo ſolemnly ſworn, made Faith *de Fideli Adminiſtratione*, as ſaid is, and thereafter the ſaids Judges ordained the ſaid I, A. Officer of the ſecond Court lawfully to proclaim the ſaids Brieves at the Mercat-croſes of ---- Head Burgh of the Sheriffdoms of --- Regalities of --- and Burrows of --- within which the Lands and others wherein the ſaid Sir G. M. is to be ſerved as Heir-male in ſpecial to his ſaid Father ly, and that upon one of the Ordinarie Mercat-days of the ſaids Head-burghs, (and in time of open Mercat) and in preſence of famous Witneſſes, to be ſerved, the ſaids General and Special Services, within the ſaid Tolbooth of *Edinburgh*, the ---- day of --- next, in the hour of Cauſe, by vertue of the ſaid Diſpenſation contained in the ſaid Commiſſion, and to obſerve the haill Tenor of the Act of Parliament, *made anent Serving of Brieves*, and Precept granted by the ſaids Judges to him thereanent, of this Date in all points, and upon the haill Premiſſes, Inſtruments were taken as to the ſaid firſt Court, in the hands of the ſaid M. *I, B.* and as to the ſaid ſecond Court, in the hands of the ſaid *H.* P. *ſic ſubſcribitur* A, H. and W. S.

Inſtrument of the firſt Couurt.

At Edinburgh, the --- day of --- and ---- years

THe which Day in preſence of me Nottar Publick, under ſubſcriband and Clerk of the ſecond Court, compeared perſonally Sir G. M. eldeſt lawful Son to Sir *I.* M. of *T.* and Appearand Heir-male to him, and paſt to the perſonal Preſence of *A.* H. and VV. S. two of the four Ordinary Macers, before the Lords of Council and Seſſion as Sheriffs in that part, of the Sheriffdoms of ---- and Baillies

lies in that part of the Regality of —. and Burrows of —— ſpecialie conſtitute by *His* Majeſties Commiſſion under-written, and preſented to them a Commiſſion under His *Highneſs* Quarter-Seal, by Deliverance of the ſaids Lord· of Council and Seſſion, dated the —— day of —— inſtant. making and conſtituting the ſaids four Ordinary Macers, or any two of them conjunctly Sheriffs in that part, of the ſaid Sheriffdoms of —— and Baillies in that part, of the Regalitie of —— and Burrows of —— with power to compear within the Tolbooth of *Edinburgh*, and there fence, hold, affix and continue Courts one or moe as need beis, for ſerving of the ſaid Sir *G. M.* eldeſt lawful Son to the ſaid deceaſt Sir *I.* M. neareſt and lawful Heir-male, not only in General but in Special to his ſaid deceaſt Father, in all Lands, Heretages, Annualrents and others wherein he died laſt veſt and ſeaſed, as of Fee at Faith and Peace, and to creat Clerks, Officers, Serjeants, Dempſters and other Members of Court needful, (for whom they ſhould be anſwerable) and to proſecute the ſaid Service untill the final end thereof, as the ſaid Commiſſion bearing, the ſaids two *Macers* their Acceptation on the back thereof, this preſent day, in it ſelf more fully is contained, and the ſaid *Sir G.* M. deſired and required the ſaid A. H, and VV. S. to proceed to the due and lawful Adminiſtration of their ſaids Offices, who in Purſuance thereof, and in Obedience thereto, and by vertue of the Power thereby committed to them, (after peruſal of the ſame) paſt to the ſaid Tolbooth, (or new *Seſſion*-houſe of *Edinburgh*,) and there cauſed read and publiſh their ſaid Commiſſion and VVarrand with the Brieves purchaſt furth of the Chancellary by the ſaid Sir G. M. direct to the ſaids four Macers or any two of them, as *Sheriffs* in that part, reſpective of the ſaids Sheriffdoms of —— and Baillies in that part, of the Regalities of —— and Burrows of —— by Commiſſion as ſaid is, for ſerving of him not only neareſt and lawful Heir-male in General, but alſo in *Special* to his ſaid Father, and thereafter held, fenced and affixed Courts in the ſaid Service, and elected, nominat, created and chooſed H. P. Nottar Publick, in Clerk *J.* S. Indweller in *Edinburgh*, in Officer, and *J. A.* Indweller there, in Dempſter for the firſt Court of the ſaid *Service*, who being ſolemnly ſworn, made Faith *de Fideli Adminiſtratione*, and that they ſhould execute their reſpective Offices faithfully, ay and while they were legally prohibite and diſcharged, and the ſaids Judges after Fencing of the firſt Court, ordained I. A. one of the Commiſſar Officers of *Edinburgh*, and in Officer of the ſecond Court of the ſaid *Service*, lawfully to proclaim the ſaids Brieves at the Mercat croſſes of —— Heal Burghs of the *Sheriff*-doms of —— and Regalities of —— and Burrows of —— within the which the Lands and others wherein the ſaid *Sir* G. M. is to be ſerved as Heir-male in ſpecial to his ſaid *Father* ly, and that upon one of the Ordinary Mercat days of the ſaids Burghs, and in time of open Mercat, and before famous VVitneſſes, to be ſerved the ſaid General and ſpecial *Services*, within the ſaid Tolbooth of *Edinburgh*, (or new Seſſion-houſe thereof) the —— day of —— next to come, in the hour of Cauſe, by vertue of the Diſpenſation anent the place and time of Vacance (if any be) contained in the ſaid Commiſſion, and to obſerve and fullfill the haill Tenor of the Act of Parliament *made anent ſerving of Brieves*, in all Points, *Whereupon* and upon all and ſundry the haill Premiſſes, the ſaid *Sir* G. *M.* asked and took Inſtruments one or moe in the hands of me Nottar *Publick*, under-ſubſcriband, and Clerk to the ſecond *Court* of the ſaid Service, the premiſſes were judiciallie done within the ſaid Tolbooth or new Seſſion-houſe of *Edinburgh*, in the Outter-houſe thereof, betwixt Eleven and Twelve of the Clock in the *Forenoon*, day, *Month* and year of God foreſaid.

Nota, *The clerk of the ſecond court ſubſcribes the ſaid Inſtrument.*

INSTRUMENT *of the Second* COURT.

At *Edinburgh*, the —— Day of ——, and —— Years.

THE which day, in preſence of me Nottar publick under Subſcrivand, and Clerk of the Firſt Court, Compeared Perſonally, Sir G. M. eldeſt lawful Son, and Appearand Heir-Male to Sir J. M. of T; and paſt to the Perſon-

al preſence of A. H. and W. S. Two of the Four ordinary Macers, before the Lords of Council and Seſſion, as Sheriffs in that part of the Sheriffdom of —— ; and Baillies in that part of the Regality of ——, and Burrows of ——-, ſpecially Conſtitute by His Majeſties Commiſſion under-written, and preſented to them an Commiſſion; under his Highneſs Quarter-Seal, by Deliverance of the ſaids Lords of Council and Seſſion, dated the — Day of —— Inſtant, making, and Conſtituting the ſaids Four ordinary Macers, or any Two of them Conjunctly, Sheriffs, and Baillies in that part of the ſaid Sheriffdoms, Regalities, and Burrows *reſpectivè*, with Power to Compear within the Tolbooth, or New-Seſſion Houſe of *Edinburgh*, & there Fence, Hold, afix, & continue Courts, an or more as need beis, for Serving of the ſaid Sir *G. M.* eldeſt lawful Son and Appearand Heir-Male to the ſaid Deceaſt Sir J. M. as ſaid is; Not only in general, but alſo in ſpecial to his ſaid Father, in all Lands, Heretages, Annualrents, and others wherein he Died, Laſt Veſt, and Seaſed as of Fee at Faith and Peace; and to Creat Clerks, Officers, Serjeants, Dempſters, and other Members of Court needful, (for whom they ſhould be Anſwerable,) and to proſecute the ſaid Service until the final end thereof; as the ſaid Commiſſion bearing the ſaids Two Macers, their Acceptation on the Back thereof this preſent Day in it ſelf more fully is contained; And the ſaid Sir *G. M.* deſired and required the ſaids *A. H.* and *W. S.* to proceed to the due and lawful Adminiſtration of their ſaids Offices, who in Purſuance thereof, and in Obedience thereto, and by Vertue of the Power thereby Committed to them (after Peruſal of the ſame,) paſt to the ſaid Tolbooth, or New-Seſſion-Houſe of *Edinburgh*, and there cauſed Read and Publiſh their ſaid Commiſſion, and Warrand with the Breives purchaſt furth of the Chancellary by the ſaid Sir G. M. direct to the ſaids Four Macers, or any Two of them as Sheriffs, and Baillies in that part *reſpectivè* of the ſaids Sheriffdoms of ——, and Regality of ——, and Burrows of ——, by Commiſſion as ſaid is for Serving of him, not only Neareſt and lawful Heir-Male in general, but alſo in ſpecial to his ſaid Father; And thereafter, Held, Fenced, and afixed Courts in the ſaid Service, and Elected, Nominat, Created, and Chooſe Mr. *J. B.* Nottar publick, in Clerk *J. A.* one of the Commiſſar Officers of *Edinburgh*, in Officer; and J. M. In-dweller there, in Dempſter for the Second Court of the ſaid Service, who being Solemnly Sworn, Made Faith, *de fideli Adminiſtratione*; and that they ſhould Exerce their reſpective Offices faithfully, ay and while they be Legally Prohibited and Diſcharged; And the ſaids Judges ordained the ſaid *J. A.* Officer of the Second Court, lawfully to Proclaim the ſaids Breives at the Mercat-Croſs of ——, Head-Burghs of the Sheriffdoms of ——, and Regalities of ——, and Burrows of ——, within which the Lands and others, wherein the ſaid Sir G. M. is to be Served as Heir-Male in ſpecial to his ſaid Father Ly, and that upon one of the ordinary Market-Days of the ſaids Burghs, and in time of open Market, and in preſence of Famous Witneſſes, to be Served the ſaids General & Special Services within the ſaid Tolbooth of *Edinburgh*, or New-Seſſion-Houſe thereof, the —— Day of —— next to come, in the Hour of Cauſe, by vertue of the Diſpenſation anent the Place and Time of Vacancy (if any be) contained in the ſaid Commiſſion, and to Obſerve and fulfil the haill Tenor of the Act of Parliament made anent Serving of Breives in all points, whereupon, and upon all and ſundry the haill Premiſſes; the ſaid Sir G. M. asked, and took Inſtruments, an or moe in the hands of me Nottar Publick under-ſubſcriveand: And Clerk to the firſt Court of the ſaid Services; the Premiſſes were Judicially done within the ſaid Tolbooth, or New-Seſſion-Houſe of *Edinburgh*, in the Outter-Houſe thereof, betwixt the Hours of Eleven and Twelve of the Clock in the Forenoon, Day, Month, and Year of GOD foreſaid.

Nota, *The Clerk of the* firſt Court *Subſcrives the ſaid Inſtrument.*

PRE-

PRECEPRT *and* COMMISSION *by the Macers as Judges in that part to the Officer.*

WE *A. H.* and W. S, Two of the Four ordinarie Macers before the Lords of Council and Seſſion, and Sheriffs in that part of the Sheriffdoms of ——, and Baillies in that part of the Regality of ——, and of the Burrows of ——, ſpecially Conſtitute in the Matter, and in the Manner after-expreſt. *Forſuameikle as*, His Majeſty by His Commiſſion under the Teſtimony of the Great-Seal of this Kingdom, mentioning that Sir G. M. eldeſt lawful Son, and Appearand Heir-Male to the Deceaſt Sir J. M. of T. Knight, and Baronet, Procreat betwixt him and D. M. E. his Spouſe, by his Supplication to the ſaids Lords, held furth, that he was to raiſe Breives forth of the Chancellarie for Serving himſelf, not only Heir-Male in general, but alſo in ſpecial; to his ſaid Deceaſt Father: in all Lands, Heretages, Tenements, Annual-rents and others with the Pertinents thereof, in which he Died, laſt veſt, and ſeaſed as of Fee, at Faith and peace; and becauſe the ſaids Lands, and Annu-rents, with the Pertinents Lye in diverſe Juriſdictions, whereby it were tedious and Expenſive to lead diverſe Services before each Judge: And likeways, in reſpect ſeveral Queſtions might ariſe, which hardly could be Diſcuſt before the Sheriffs of ——, or Baillies of the Regality of ——, and Burrows of ——: So that there was a Neceſſity to have His Majeſties Commiſſion under the Teſtimony of the ſaid Great-Seal, in manner and to the Effect under-written in manner more fully ſpecified in the ſaid Supplication. *Therefore*, Making, Conſtituting, and Ordaining the Four ordinary Macers before the ſaids Lords of Council and Seſſion, or any Two of Us, Conjunctly, Sheriffs and Baillies in that part of the ſaids Sheriffdoms of ——, and Regality of ——, Burows of ——, Giving, Granting, and Committing to us, or any Two of us Conjunctly, His Majeſties full Power, and ſpecial Warrand to Sit within the Tolbooth, or New-Seſſion-Houſe of *Edinburgh*, for Serving the ſaids Breives, and for that Effect to Receive, open, and cauſe the ſaids Breives be duely Proclaimed; Court, or Courts an or more to begin, Affirm, Affix; and als oft as need beis Continue, Clerks, Serjeants, Dempſters, and all other Officers and Members of Court needful to Make, Creat, Conſtitute and Ordain (for whom we are to Anſwerable) and to Summond an Inqueſt to paſs thereupon, under the Pains therein-ſpecified, and to do all other things requiſit theranent; and Declared the ſaid Tolbooth of *Edinburgh*, or new Seſſion-houſe thereof, to be als ſufficient, as if done within the Tolbooths of the Head-Burghs of the ſaids Sheriffdoms of —— and Regality of —— and Burrows of —— diſpenſing with the place and time of Vacancy: And which Commiſſion is dated the —— day of —— inſtant, and which Commiſſion was accepted in and upon us; Herefore, we as Sheriffs and Baillies in that part foreſaid, by thir Preſents, Make, Conſtitute, Creat, and Ordain you *J. A.* one of the Commiſſar Officers of *Edinburgh*, our very lawful and undoubted Officer in that part of the ſaids Sheriffdoms of —— and Regality of —— and Burrows of —— to the effect after-ſpecified, with full Power and Commiſſion to you, to paſs in his Majeſties Name and Authority, and ours, to the Mercat-Croſs of the Head-Burghs of the ſaids Sheriffdoms, and Regality and Burrows, upon a lawful Mercat day, and there, betwixt eleven and twelve in the Forenoon, in time of open Mercat, and in preſence of famous Witneſſes, duly and lawfully read and proclaim, or cauſe the ſame be read and proclaimed by another ſtanding by, the Words being alwiſe pronunced by you our ſaid Officer, to be ſerved within the ſaid Tolbooth of *Edinburgh*, or new Seſſion-houſe thereof, the —— day of —— next to come, in the Hour of Cauſe, before us the ſaids Macers, or any two of us conjunctly, as Sheriffs and Baillies in that part reſpective, of the ſaids Sheriffdoms and Regality

and Burrows, by vertue of the Commiſſion above-ſpecified, and Diſpenſation therein-contained, and to Warn and Summond all perſons having, or pretending to have Intereſt in the ſaid Matter, by open Proclamation at the ſaids Mercat-Croſſes, and other places needful; to compear before us, or any two of us, as Sheriffs and Baillies in that part foreſaid, the ſaid day and place, in the Hour of Cauſe, to hear and ſee the ſaids Brieves, duly and lawfully Served and Retoured to our ſaid Soveraign Lord his Chancellary, in due and competent Form. And for that effect, to hear and ſee Courts, one or more as need beis, Fenced, Affirmed, Holden and Conſtitute, if need beis; and the Perſons and Members of Inqueſt Received, Sworn, and Admitted to paſs thereupon, and the ſaid Sir *G. M.* his Claim ſufficiently inſtructed, and to oppone and object there-againſt as accords, and to make Intimation and Certification to them as effeirs, as ye will anſwer to us thereupon, the which to do, we commit to you our full power, to the effect above-ſpecified, by this our Precept and Warrand granted for that effect. Given under our hands, and ſubſcribed by us at *Edinburgh*, and in Court the ——— day of ——— and ——— years, *Sic ſubſcribitur A. H.* and *W. S.*

MEMORANDUM *for* J. A. *Officer to the ſecond Court of Sir* G. M. *his Service, as Heir-male in General and Special to the Deceaſt Sir* J. M. *how to execute the Brieves.*

REceive two Brieves, which ye are to Read and Proclaim at the Mercat-Croſs of — Head-Burghs of the Shires of — and of the Regality of — and Burrows of ——— upon a publick Mercat day, and betwixt the Hours of eleven and twelve in the Forenoon, in preſence of famous Witneſſes who can Write and Subſcribe;

After Reading, Declare, ye Proclaim the Brieves to the ——— day of ——— to be Served within the Tolbooth (or new Seſſion-houſe) of *Edinburgh* the ſaid day, in the Hour of Cauſe, and that ye Summond all Parties having, or pretending to have Intereſt, to compear that day and place, in the Hour of Cauſe, to hear and ſee the Claim inſtructed, and the Brieves Served and Retoured; and to object againſt the ſame, with Certification, the Macers (as Judges in that part by Commiſſion) will proceed accordingly in the Service, and refer the Matter to the Knowledge of an Inqueſt, who will Serve affirmative accordingly, and appoint the ſame to be Retoured to the Chancery.

Receive the Precept under the Macers hands, which is your Warrand as Officer, and produce it, alſwell as the Brieves, publickly at the reſpective Croſſes.

How ſoon ye have done at the Croſſes, come your ſelf immediatly with the Brieves, Precept, and this *Memorandum*, but the Witneſſes need not come, till four or five days (juſt as the place is of diſtance) before the Service, and deliver all to the Clerk, that he may have the Claim, and what elſe neceſſary, in readineſs againſt the day of the Service.

ACTS *of the ſecond Court.*

At *Edinburgh*, the ——— Day of ———, and ——— years.

THe whilk Day anent the Breves or Inqueſt purchaſed, and raiſed furth of His Majeſties Chancelarie, by Sir *G. M.* eldeſt Son, and appearend Heir-Male to the Deceaſt Sir *J. M.* of *T*; and direct to the Four ordinary Macers before the Lords of Council and Seſſion, or any Two of them Conjunctly, as Sheriffs in that part of the Sheriffdoms of —; and Baillies in that part of the Regality of —, and Burrows of ———, by Commiſſion granted to them under the Quarter-Seal of the Date, the — Day of — laſt by paſt, for Serving and Cognoſcing the ſaid Sir *G. M.* (by one Condign

digne Inqueſt,) as Neareſt and lawful Heir-Male to his ſaid Deceaſt Father, not only in general; but alſo in ſpecial, in all Lands, Heretages, Annualrents, and others with the Pertinents wherein his ſaid Deceaſt Father Died, laſt, veſt, and Seaſed as of Fee at Faith and Peace. *A.H.* & *W.S.* Two of the ſaids Four ordinary Macers as Judges, and Sheriffs, and Baillies of Regality, & Burrows in that part foreſaid, of the ſaid Sheriffdoms of ---, & Regalities & Burrows of ---, ſpecially Conſtitute by vertue of the ſaid Commiſſion, Compeared perſonally within the New-Seſſion-Houſe of *Edinburgh*, and Inner-Houſe thereof, and als Compeared before them, and in their Preſence therein; The ſaid Sir *G. M.* perſonally, and preſented to them the foreſaid Commiſſion under the Quarter-Seal, containg therein a ſpecial Diſpenſation anent the place and time of Vacancy (if any were,) and accepted by themſelves as Judges, together with the foreſaid Breives, direct furth of the Chancelary to the ſaids Macers, or any Two of them as Sheriffs, and Baillies in that part foreſaid, by Commiſſion as ſaid is, for Serving the ſaid Sir *G. M.* Heir-Male, not only in general; but alſo in ſpecial, to the ſaid Deceaſt Sir *J. M.* his Father as ſaid is, and Executions of the ſame written on the Back thereof, ſubſcribed by *J. A.* one of the Commiſſar Officers of *Edinburgh*, Officer of the ſecond Court of the ſaid Service; and the ſaid Officer his Precept, and Warrand for Executing and Proclaiming the ſaids Breves, under the ſaids Judges their Hands, and Inſtruments taken upon the Inſtitution and Creation of the Members of the firſt and ſecond Courts; together alſo with the ſaid Sir *G. M.* his Claim, deſiring that the Inqueſt ſhould Serve and Cognoſce him, Neareſt and lawful Heir-Male, not only in general; but alſo in ſpecial to his ſaid Deceaſt Father, in the Lands, Annualrents, and others therein contained; And to return his ſaid general and ſpecial Service to the Chancellary in due and competent Form under the moſt part of their Seals with the ſaids Breives included as uſe is; And the ſaids Judges, and Sheriffs, and Baillies in that part foreſaid, having Received the ſaid Commiſſion, Breives, and remenant Papers aforeſaid; They, (after Peruſal thereof) cauſed the ſaid *J. A.* Officer of the ſaid Second Court Fence the ſame; and thereafter cauſed the Commiſſion and Breives with the Execution on the Back of the ſame, bearing the ſame to be duely and lawfully Proclaimed, conform to the ſaid Precept given to the ſaid *J. A.* for that Effect, to be publickly Read, and finding all done accordingly; They thereafter called for the ſaid Officer and his Witneſſes preſent, when the ſaids Breives were Proclaimed anent the Truth of the Executions, who being Solemnly and Judicially Sworn, Deponed that the ſame was Truely and Faithfully done conform thereunto in all points as they ſhould Anſwer to GOD; whereupon the ſaid Sir *G. M.* asked Act of Court and Inſtruments; and thereafter all Parties having or pretending to have Intereſt, being Thrice lawfully Called, lawful time of Day bidden; and none Compearing to Object, the ſaid Sir *G. M.* alſo thereupon took Inſtruments, and Proteſted *Contra omnes non Comparentes*, and that ſilence might be enjoyned to them for the future; and that his ſaid Clame might be Read, and the Matter therein contained, referred to the knowledge of an Inqueſt of Perſons moſt worthy, leaſt ſuſpect, and who beſt knew the verity of the Matter: which deſire the ſaid Judges, and Sheriffs in that part foreſaid, finding to bejuſt and reaſonable, admitted of the ſaid Sir *G. M.* his Deſire, and Proteſtation, and thereafter referred the ſaid Matter to the knowledge of the Inqueſt following, being all lawfully Warned of before to paſs thereupon;

They are to ſay,

Sir *J. L.* of —	Mr. *F. M.* of —
Sir *F. M.* of —	Sir *J. F.* of —
Mr. *D. H.* of —	*J. H.* of —
J. H. of —	Mr. *H. D.* of —
Sir *J. F.* of —	*W. H.* of —

Sir *R. M.* of ——
A. M. of ——
J. E. of ——
Mr. *J. W.* of ——
Mr. *J. D.* of ——

Who being all Solemnly Sworn *de fideli Administratione*, incontinent Elected and Choſed, the ſaid —, one of their Number, in Chancellour of the ſaid Inqueſt; And thereafter, the ſaid Claim being openly and publickly Read, with the Inſtructions and Verifications thereof, and both Compared, as alſo the ſaid Inqueſt having taken Inſpection of the ſaid Commiſſion, Acceptation on the Back thereof, Breives, and Executions thereof, Precept direct to the Officer for Executing of the ſame, Inſtrument of the Inſtitution, and Creation of the Members of the Firſt and Second Court of the ſaid Service, and haill Proceſs thereof; and finding the ſame all Orderly proceeded and Legally done, and the ſaid Claim ſufficiently Inſtructed; They all in one voice, (but Variance) by the Mouth of their ſaid Chancellor, after removing out of Court, and Re-entering therein again, and after calling of all Parties, having, (or pretending to have) Intereſt; And none Compearing to Object in the Contrair, Served, and Cognoſced, the ſaid Sir *G. M.* Neareſt, and lawful Heir-Male, not only in general, but alſo in Special to the ſaid Sir *J. M.* of *T.* in the Lands ——, Annualrents, and others contained in the ſaid Claim, and Ordained, and hereby Ordains the ſaid Service with the Breives Incloſed to be returned to the Chancellarie under the Clerk of Court his hand; And moſt part of the ſaid Inqueſt, their Seals as uſe is, in due and Competent Form, whereupon, and upon all and ſundry the Premiſſes; the ſaid Sir *G. M.* asked Act of Court, and Inſtruments; and to which Verdict of the ſaid Inqueſt, and Deliverance above-written; the ſaid Judges Interponed, and herby Interpone their Authority; and Ordains the ſame to be retoured in manner above-ſpecified: whereupon alſo the ſaid Sir *G.* M. took Inſtruments, *Sic Subſcribitur* A. H. and W. S.

Nota, *This Act ſhould have been placed before the General and Special Claims, and their reſpective Verdicts.*

CLAIM of the General Service.

HOnourable Perſons, and Good Men of Inqueſt, I Sir *G. M.* of *T.* Knight Baronet, eldeſt lawful Son and apparant Heir-male to the Deceaſt Sir *J.* M. of *T.* Knight Baronet my Father, procreat betwixt him and *D.* M. *E.* his Spouſe, *Say* unto your Wiſdoms, *That* the ſaid Deceaſt Sir J. M. my Father, died at the Faith and Peace of our Soveraign Lord, and that I am neareſt and lawful Heir-male to the ſaid Sir J. M. procreat betwixt him and his ſaid Spouſe my Mother, and that I am of lawful Age: *Herefore*, I beſeech your Wiſdoms, to Serve and Cognoſce me, as neareſt and lawful Heir-male to the ſaid Deceaſt, Sir J. M. of T. Knight, my Father, procreat betwixt him and his ſaid Spouſe my Mother, and to Retour my ſaid General Service to the Chancellary, under the moſt part of your Seals, as uſe is, and your Wiſdoms Anſwer.

The Verdict of the Inqueſt is as follows.

Apud

Apud Edinburgum ----- *die Menſis* ----- ----- *Anno* -----

THe which day, the haill Perſons of Inqueſt, who paſt upon the ſaid Service, by the Mouth of ----- one of their Number, (and by them Elected, Nominat, and Choſen in Chancellor thereof,) Serves the ſaid Sir G. M. of *T.* neareſt and lawful Heir-male to the ſaid Deceaſt Sir J. M. of *T.* his Father, procreat betwixt him and the ſaid *D.* M. E. his Spouſe, and that Affirmative, conform to the above-written Claim, and Inſtructions thereof, and to be Retoured to the Chancellary accordingly. *Sic ſubſcribitur* S. J. L. *Cancellarius.*

CLAIM of the Special Service.

HOnourable Perſons, and Good Men of Inqueſt, I Sir G. M. of *T.* Knight Baronet, eldeſt lawful Son and apparant Heir-male to the Deceaſt Sir J. M. of *T.* Knight Baronet, my Father, procreat betwixt him and *D.* M. E. his Spouſe, Say unto your Wiſdoms, That the ſaid Deceaſt Sir J. M. my Father, died laſt Veſt and Seiſed, as of Fee, in Faith and Peace, in all and ſundry the Lands, Baronies, Caſtles, Towers, Fortalices, Mannor-places, Milns, Woods, Fiſhings, Teinds, Tenements, and others reſpective, particularly under-written, with the Pertinents, *To wit,* in all and haill the Lands and Baronies of *Cogeach,* (4.) with the Mannor-place, Tower, Fortalice, Milns, Fiſhings, als well in Freſh, as Salt Waters, Parts, Pendicles, Tennents, Tenendries, Service of free Tennents, and all their Pertinents, lying within the Earldom of *R.* and Sheriffdom of J. And als, in all and haill the Towns and Lands of *Cultelleod, &c.* lying within the Earldom and Sheriffdom foreſaid: And ſicklike, in all and ſundry the Lands of *Milnaan, &c.* lying as ſaid is. And in like manner, in all and haill, *(here take in the other Lands belonging thereto, and then ſay)* lying within the Lordſhip of *D.* Earldom of *R.* and Sheriffdom foreſaid, and that a Seaſin, to be taken at the Manſion of the ſaid Town and Lands of *Cultelleod,* or any part thereof, ſhall ſtand, and be a ſufficient Seaſin for all and ſundry the foreſaids Lands and Baronie of *Cogeach,* and Lands of *Cultelleod, &c.* And that a Seaſin at the Lands of ----- ſhall ſtand, and be a ſufficient Seaſin for all and ſundry the foreſaids Lands of ----- *(here inſert them as in the Diſpenſation of the Charter under the Great Seal, and then ſay)* in all time coming, and in all and ſundry the Kirk-lands of ----- with the Teind-ſheaves thereof, therein included, and with all and ſundry their Parts and Pendicles, *&c.* lying, *&c.* and in all and ſundry the Iſles, Lands, and others under-written, *viz.* In all and haill the Iſles and Lands of *Baray, (here take in the reſt of the Lands in that Charter, and then ſay)* all lying within the Sheriffdom of J. Unit, Annexed, Erected, Creat and Incorporat in a haill and free Baronie, called the Baronie of *Baray,* ordaining the Tower, Fortalice, and Mannor place of *Baray,* called *Keismull,* to be the principal Meſſuage of the ſaid Baronie, and a Seaſin to be taken in all time coming at the ſaid Fortalice of *Keismull,* to ſtand good and be a ſufficient Seaſin, for all and ſundry the faids Lands, Iſles, and others particularly and generally above-written, now unit in the ſaid Baronie of *Baray,* notwithſtanding they ly diſcontigue, in manner at length mentioned in the old Infeftments of the ſame, and in all and haill ſix Pecks of Land lying within the bounds of the *Chanry* of *R.* and Burgh of *R.* and Sheriffdom foreſaid, *(here take in the Deſignation and Bounding, as in the Infeftment.)* And ſicklike, in all and ſundry the Lands of *Eaſter-Aird, &c.* As alſo, in all and ſundry the Lands of *Eaſter-Tarbat, &c.* And in all and ſundry the Lands of *Meikle-Tarrel, &c.* And likewiſe, in all and haill, an yearly Annualrent of fifty Shilling *Scots* Money yearly, to be uplifted and taken at two Terms in the year, *Whitſunday* and *Martinmaſs* in Winter, by equal portions, furth of all and haill the Lands of *Eaſter-Aird,* with the Pertinents, lying in manner foreſaid, all the forenamed Lands, Towers, Fortalices, Milns, Woods, Fiſhings, and others particularly and immediatly above-written, with the foreſaid yearly Annualrent lying as ſaid is, are Unit, Erected, Creat and Incorporat in an haill and free Baronie, called the Baronie of *Meikle-Tarrel,* ordaining the Mannor-place of *Meikle-Tarrel* to be the principal Meſſuage of the ſaid Baronie, and a Seaſin to be taken thereat, or upon any other part of the ſaids Lands of *Meikle-Tarrel,* to ſtand good, and be an ſufficient Seaſin for all and ſundry the

ſaids Lands of *E A. E T.* and *M T.* and yearly Annualrent aforeſaid with their Pertinents, notwithſtanding they ly diſcontigue, in manner at length mentioned in the old Infeftments of the ſame, and in all and ſundry the Teind-ſheaves, or Parſonage Teinds of the ſaid Sir *J. M.* his ſaids Lands of *E A. E T.* and *M T.* with all their Pertinents, pertainining in Property to the ſaid Sir *J. M.* lying within the Parochin of *T.* and Sheriffdom of *J.* foreſaid, and now within the new erected Sheriffdom of *R.* and in all and haill the Lands and Sheallings of *D*, and *B*, *&c.* lying in the Forreſt of *Free-Water*, and of old within the ſaid Sheriffdom of *I*, and now within the ſaid new erected Sheriffdom of *R.* and in all and ſundry the Lands of *D*, in *Stathcharran*, &c. lying within the Barony of *Bambreich* by Annexation, and Sheriffdom of *I*, and now within the ſaid Sheriffdom of *R.* and in all and ſundry the Towns, Lands, Acres, Fiſhings, Woods, and others after-mentioned, *viz.* in all and haill 39 Acres, with an half Acre of Land lying in the Fields following, *viz.* (*here take them in with the other Acres*, &c. *as in the Charter, and then ſay*) lying within the Barony of *Kinlos*, Regality thereof, and Sheriffdom of *E*, and *F.* now *Elgin* and *Nairn.* and in all and haill the Lands and Barony of *Pluſcarden*, (*here take in the Lands as in the Charter, and then ſay*) all lying in the Glen of *Pluſcarden*, and within the Sheriffdom of *B*, and *F*, now *Elgin* and *Nairn* foreſaids, with the haill Duties, Kains, Cuſtoms, Teinds, Caſualities, Emoluments, Provents, Profits, and Commodities thereof, lately pertaing to *T. M.* of *P.* and contained in his Infeftments thereof, whilks are here holden as expreſt; and in all and haill the great Lodging, Tenement and Houſes in *Elgin*, (*here take in the Bounding, and then ſay*) or of whatſomever other Limitation, Bounding, or Deſignation the ſame be of, whilks are alſo holden as expreſt; and in all and haill theſe Lands called *Leapper-Lands*, &c. lying within the Territory of the Burgh of *E.* and in all and haill the old Milns of *E*, with the Priviledge of Water-Leads, Stanks, Dams, Inlaires, Miln-Lands, Multures, Sucken, Thirle, Knaveſhip, Sequels, and Pertinents thereof: And in all and haill the Lands and Houſes of *Old-Milns*, & Lands of *Levenſhauch* with their Pertinents, all lying within the Sheriffdom of *E*, & *F*, now *Elgin* and *Nairn* foreſaid, with all and ſundry Caſtles, Towers, Fortallices, Mannor-places, Houſes, Biggings, Yards, Orchards, Milns, Miln-Lands, Multures, Woods, Fiſhings, Annexes, Connexes, Dependences, Tennents, Tennendries, Services of free Tennents, Advocations, Donations, and Rights of Petronages of Kirks, Chaplainries, Altarages, and Prebendries of all and ſundry the Lands, Barony, and others *reſpective* above-written, with their Pertinents, and with the Teind-Sheaves, and other Teinds, Parſonage and Viccarage thereof, and that an Seaſin to be taken at the Mannor-place of *Pluſcarden*, or at the foreſaid Tenement, or great Lodging in *E.* or upon the Ground of any other part of the ſaids Lands, Towns, and others immediatly above-written, ſhall ſtand good, and be als ſufficient a Seaſin for all and ſundry the foreſaids Lands, Barony, Towns, Milns, Tenement, Mannor-place, and others particularly above-written, with the Teinds thereof, as if a particular Seaſin were taken upon ilk part or portion of the ſame, notwitſtanding the ſame ly diſcontigue, which is diſpenſed with, conform to the Charter granted to the ſaid Sir *J. M.* thereupon, under the Great Seal, dated the —— day of ——, and —— years. And in all and ſundry the Lands and Barrony of *Inverteil*, comprehending therein (here take in the Lands and others comprehended) lying within the Sheriffdom of *Fife*, and in all and haill the half of the Lands of Over and Nether *Tyrie*, &c. lying within the Regality of *Dalkeith*, Conſtabulary of *Kinghorn*, and Sheriffdom of *Fife* foreſaid; And that I the ſaid Sir *G. M.* of *T.* Knight Barronet am eldeſt lawful Son, and lawful Heir Male to the ſaid deceaſt Sir *I. M.* of *T.* Knight Barronet my Father, procreat betwixt him and the ſaid *D. M. E.* his Spouſe, of all and

ſundry,

ſundry, the foreſaids Towns, Lands, Baronies, Teinds, Caſtles, Towers, Fore-talices, Maner-places, Houſes, Biggings, Yards, Orchards, Milns, Wood, Fiſhings, and others reſpective, particularly and generally above-written, with the Pertinents; and that I am of lawful and perfect age, and that all and haill the foreſaids Lands and Baronie of *Cogeach*, &c. (lying as ſaid is) are now worth by year the Sum of eight *Merks* uſual Scots Money, and were worth in time of Peace, the Sum of four *Merks* Money foreſaid, and that all and ſundry the foreſaids Towns and Lands of *Cultelhead*, &c. lying as ſaid is, are now worth by Year, the Sum of ſeven *Merks* Money foreſaid, and were worth in time of Peace the Sum of three *Merks* ſix *Shilling* eight *Pennies* Money above-written, and that all and ſundry the foreſaids Lands of *Mulnean*, *&c.* lying as ſaid is; and the ſaids Kirk-lands of, *&c.* lying in manner foreſaid, are now worth by Year the Sum of five *Merks* Money foreſaid; and were worth in time of Peace, the Sum of two *merks* ſix *ſhilling* eight *pennies* Money above-written, and that all and haill the foreſaids Town and Lands of *Ardavel*, extending to, an half *Davock* of Land are now yearly worth the Sum of three *pounds*, nine *ſhilling* four *pennies* Money foreſaid, twelve Bolls of Bear and Meal, ſix Bolls of Oats, two Marts, ſix Poultry, and were ſo much worth in time of Peace; and that all and haill the foreſaid Town and Lands of *Ulladel*, extending to an other half Davoch of Lands as ſaid is, with their Houſes, Biggings, *&c.* (*which muſt be taken in*) lying as ſaid is, are now worth by Year the Sum of three pound ſixteen ſhilling Money foreſaid, and three Poultry, and were worth ſo much in time of Peace; and that all and haill the foreſaid Town and Lands of *Inſhveandie* are now worth by Year, the Sum of three pound eight ſhilling Money foreſaid, and four Hens, and were ſo much worth in time of Peace; and that the foreſaids Town and Lands of *Auchterneed* are now worth by Year, the Sum of ſeven pound nine ſhilling four pennies Money foreſaid, four Mutton and nine Hens, and were ſo much worth in time of Peace; and that all and haill the foreſaid Miln commonly called *Tympane-miln*, with the Miln-Lands, Multures, Sequels, and Knave-ſhips thereof, lying as ſaid is, are now worth yearly an Chalder and two Bolls Bear, and were ſo much worth in time of Peace: And that all and ſundry the foreſaids Kirk-Lands of *Kinnettes*, with the Teind-Sheaves thereof therein-included, and with all and ſundry their Parts, Pendicles, *&c.* (*which take in as above*) lying as ſaid is, are now worth by Year ſeven merks Money foreſaid; and for Augmentation of the Rental thereof, the fifth Penny, extending to the Sum of eighteen ſhilling eight pennies Money foreſaid: And in the haill, in old Farm and Augmentation, to the Sum of eight merks five ſhilling and four pennies Money above-written, and were ſo much worth in time of Peace: And that all and ſundry the foreſaids Lands of *Inchrorie*, with the Miln thereof, with the foreſaid Shealling and Place thereof, called the *Garbet*, &c. And Lands of *Ardmore*, Miln, Multures, Sequels, and Pertinents thereof, lying as ſaid is, are now worth by Year, the Sum of ſix merks Money foreſaid, and were worth in time of Peace three merks Money foreſaid: And that all and haill the foreſaids Bogs of *Dingwall*, called, *&c.* and containing therein as ſaid is, are now worth the Sum of ſix pounds Money foreſaid yearly, & thirteen ſhilling in Augmentation of the Rental thereof, and were ſo much worth in time of Peace: And that all and ſundry the foreſaids Lands, Iſles, and others particularly and generally above-mentioned, pertaining to the ſaid Barony of *Barvy*, unite, annexed, creat and incorporat in manner above written, with their univerſal Pertinents, lying as ſaid is, are now worth by Year, the Sum of fourty pounds Money foreſaid, and were ſo much worth in time of Peace: And that ilk ane of the foreſaids ſix Pecks of Land in *Chantie*, lying and bounded as ſaid is, is now worth by Year, an Boll of ſufficient Farm-Victual, and four ſhilling two pen-

nies Money foresaid of old Farm, and twelve pennies Money foresaid, in Augmentation of the Rental of ilk Peckof the said six Pecks, and were so much worth in time of Peace; and that the foresaid fifth part of Land of *Broombill*, with the saids Teinds therein included, with the pertinents, is now worth by Year, six pounds Money foresaid, and was so much worth in time of Peace: And that all and sundry the foresaids Lands of *E. A.* with Houses, Biggings, *&c.* lying as said is, are now worth by Year, the Sum of thirteen pounds six shilling eight pennies Money foresaid, and were worth in time of Peace, the Sum of three pound six shilling eight pennies Money foresaid: And that all and sundry the foresaid Lands of *Easter-Tarbat*, with the Tower, Fortalice, (*ut supra*,) are now worth by Year, the Sum of eleven pounds nineteen shilling eight pennies Money foresaid: An Reek Hen, or four pennies for the price thereof, and four pounds for the Suffrages and Prayers to be made for the King and his Successors, and were so much worth in time of Peace, and that all and sundry the foresaids Lands of *Meikle-Tarrel*, with the Mannor-place, *&c.* (*ut supra*) together with the foresaid yearly Annualrent of 50 shilling money foresaid, yearly to be uplifted furth of the saids Lands of *E. A.* in manner foresaid, are now worth by year the Sum of twenty four Merks Money foresaid, as the Taxt and modified Ward-duty for the saids Lands of *Meikle-Tarrel*, and Annualrent above-written, with the Pertinents during the time of the Ward and Nonentry the like Sum for the Relief, together with the Sum of 100 pounds Money foresaid for the Marriage of the Heir, conform to the old Infeftments of the saids Lands, and that the same were worth in time of Peace the Sum of 53 shilling four pennies Money foresaid, and that all and sundry the foresaid Teind-sheaves, or Parsonage-Teinds of the saids Lands of Easter *Aird*, *Tarbat* and *Meikle-Tarrel*, with all their Pertinents, are now worth by year one penny money foresaid, and twenty Bolls Victual due to the Ministers of *Tarbat* yearly, as a part of their Stipend furth of the saids Teinds, and were so much worth in time of Peace, and that all and haill the foresaids Lands, and the Sheilings of *D.* and *B.* with their parts Pendicles, Sheils, and setting-places, and Pertinents foresaids, are now worth by year an Custom Mart, or twenty shilling Money foresaid, therefore in the Option of the Payer, and the Sum of three shilling four pennies Money foresaid, in Augmentation of the Rental thereof, extending the haill to the Sum of 23 shilling four pennies foresaid, and that they were so much worth in time of Peace, and that all and sundry the foresaids Lands of *Donylairn* in *Strathcharan*, with Houses, Biggings, Yards, *&c.* are now worth by year 2 pounds Money foresaid, and two Hare-hounds, and were so much worth in time of Peace, and that all and sundry the foresaids Lands, Acres, Fishings, and others lying within the foresaid Lordship of *Kinlos*, are now worth by year the particular Duties under-written, in manner as is after divided. *viz.* (*here I omit the extent, since there are many Aikres, and particular Parcells of Ground, and each of them their proper and distinct Feu-duties, and in Feus the old and new Extent being the same, there was no necessity for it, only the Victual as well as Customs are converted to low Rates*, in optione solventis, *which must be the Rule of the Chancellary in the* capiendo securitatem, *as has been formerly observed in several Signatures infert, and those that are Clerk to Services of that kind, would advert thereto, least by omitting the Conversion the Heir served be charged with the* ipsa corpora *of the Bolls and Customs, and oblige him to make Application to the Thesaury for Redress of the Error being great, not only by reason of the simple Bolls and Customs, but also of the Duplication*) and that all and haill the foresaids Lands and Barony of *P.* with the Castle, *&c.* comprehending the remanent Towns and Lands *respective*, particularly above-written belonging thereto, are now worth by year the Sum of 120 pound Money foresaid, and were so much worth in time

of

of Peace (*Here are other Lands insert bearing the respective Feu-duties, as the present extent, and then follows*) And that the foresaids Lands were so much worth in time of peace; And that the foresaid great Tenement and Lodging in *Elgin*, is now worth by year the Sum of three shilling 4 pennies Money foresaid, and were so much worth in time of Peace, and that all and sundry the foresaids Lands and Barony of *Innerteil*, comprehending the Lands and others particularly above-written, are now worth the Sum of — yearly, and were worth in time of Peace the Sum of —— and that the foresaids Lands of Over and Nether *Tyries*, with the Pertinents, are now worth be year —— Wheat and —— Money, (as the just and proportional part of 20 Bolls Wheat of King *Davids* Measure, and 4 pounds Money foresaid, effeirand to the saids half Lands of Over and Nether-*Tyres*, which is the Duty payable for the *l* ands of the *Seasield*, and half Lands of Over and Nether *Tyres*, conform to the old Infestments thereof) and were so much worth in time of Peace, and that the foresaids Lands and Barony of *Cogeach*, the saids Towns and Lands of *Culteleod*, and G. the foresaids Lands of *M.* with the said Miln of *F.* and the saids Lands of *K.* of *F.* and Land of *B.* with all and sundry their Parts, Pendicles and Pertinents, particularly and generally above-written, lying as said is, were some time holden in chief of the deceast *C. E. of S.* and *L. K. &c.* thereafter of *G. E. of S.* his Brother, and *K. E. of* S. his Son, and are now holden immediatly in Chief *of O. L. P.* and his Successors during the Forfeiture of the said *K. E. of S.* in free Blench-Fee and Heretage, for yearly payment of —— at the Terms, and in manner mentioned in the old Infestments of the saids Lands, and that all and haill the foresaids Lands *of A. W. J. O. T.* with their Parts; Pendicles and Pertinents particularly and generally above-specified, were some time holden in chief of the said deceast *C. E. of S.* thereafter of the said deceast *G. E. of S.* and K. E. of S. and are now holden immediatly in chief of the said *L. P.* and his Successors during the Forfeiture of the said *K. E. of S.* in Feu-Farm, Fee and Heretage, for yearly payment to them, or to the Thesaurer and Under-Receivers for their Relief of the Feu-duties under-written. *viz. here the respective Feu-duties, both Victual, Money and Customs were insert, but no Conversion, and then follows*) Whilks Feu-duties are payable in manner following, *viz.* The foresaid Money at the Terms of *W.* and *M.* used and wont by equal Portions, and the foresaid Victual betwixt the Feast of *Y.* and *C.* and the foresaid Mutton and Pultrie at the Terms of payment used and wont, and doubling the foresaid Feu-Farm at the Entry of the Heir; And als paying and fulfilling all the other Duties, Conditions and Provisions (*if any be*) contained in the old Infestments of the saids Lands, whilks are here holden as for expreset: And that the foresaids Kirk-lands, with the Teinds and Pertinents thereof, were sometime holden of *M. G. M.* younger, Chancellor of *Ross*, and thereafter of the late King, by the Abolution of Bishops, Deans, Chancellors, and other Dignities, and are now holden of the said *L. P.* and his Successors, in Feu-Farm, Fee and Heretage, for yearly payment of the Sum of —— Money foresaid of old Farm, and for the Augmentation of the Rental thereof, extending to the fifth penny, the Sum of —— Money foresaid, extending in the haill in old Farm and Augmentation, to the Sum of —— Money above-written, at two Terms in the year, *W.* and *M.* in Winter by equal Portions, and also doubling the foresaids Sums the first year of the Entry of the Heir to the foresaids Lands and Teinds thereof, and that all and sundry the foresaids Lands of J. and Miln thereof, Miln-Lands, Multures and Sequels of the same, and all and haill the foresaids Lands of *D.* and Sheiling thereof, called the *G.* and Lands of *A.* with the Miln, Miln-Lands, Forrests, Woods, and pertinents thereof, were sometime holden in chief of the said Late King and his Predecessors Kings of *Scotland*,

and are now holden immediatly in Chief of the ſaid *L. P.* and his Succeſſors by Service of Ward and Relief, for the Rights and Services uſed and wont to be payed furth of the ſaids Lands, and others foreſaids, and that the foreſaids Lands & Bogs of *D.* bounded & lying as ſaid is, are holden immediatly in chief of the Provoſt, Baillies, Council and Community of the Burgh of *D.* and their Succeſſors in Feu-Farm, for yearly payment to them or their Theſaurer for the time, of the Sum of —— Money foreſaid, at the Feaſt of *W.* in name of Feu-Farm, and ſiclike for yearly payment at the ſaid Term of *W.* of the Sum of —— Money foreſaid, in Augmentation of the Rental of the ſaids Lands, Bogs, and others foreſaids, and doubling the foreſaid Feu-duty the firſt year of the Entry of ilk Heir to the ſaids Lands, and others foreſaids as uſe is of Feu-Farm, and that all and ſundry the foreſaids Lands, Iſles, Baronie, and others particularly and generally above-mentioned, pertaining to the ſaid Barony of *B.* with their univerſal pertinents above-written, unite, annexed and incorporat in manner foreſaid, were ſometime holden in chief of the ſaid late King and his Succeſſors, and are now holden immediatly of the ſaid *L. P.* and his Succeſſors in Feu-Farm and Heretage, for yearly payment of —— Money foreſaid, at two Terms in the year, *W.* and *M.* by equal portions, in name of Feu-Farm, and doubling the ſaid Feu-Duty the firſt year of the Entry of ilk Heir to the ſaids Lands and Barony of *B.* with the pertinents as uſe is of Feu-Farm allennarly, and that the foreſaids ſix Pecks of Land of the Lands of *C.* and *R.* and the ſaid fifth part of the ſaids Lands of *B.* with the Teinds therein included, were ſometime holden in chief of the ſaid deceaſt *G. E. of S.* and thereafter of the ſaid *K. E. of S.* his Son, and are now holden immediatly in chief of the ſaid *L. P.* and his Succeſſors during the Forfeiture of the ſaid *K. E. of S.* in Feu-Farm, Fee and Heretage, for payment yearly of the Feu-duties and others under-written, *viz.* For ilk an of the ſaids pecks of Land, an Boll of ſufficient Victual to be delivered within the ſaid *Chanrie of Roſs*, or Burgh of *R.* (*here the Meaſure, Terms, old Farm and Augmentation thereof were inſert, and doubling both at the Entry of ilk Heir, and then follows*) And providing and ſuſtaining according to the proportion of the ſaids Lands, Horſes and Servants for carrying to the ſaid Superior Wine, Salt and Fiſh, for ſerving of the Caſtle of the *C. of R.* from the Sea-ſhore of the Sea of *R.* or Burgh of *R.* to the Caſtle, and for carrying of the Barrels of Salmond and Fiſh to Merchants from the ſaid Caſtle to the ſaid Sea-Shore, and for carrying of the ſaid Superior his dry-malt, Oats and Seed growing on his Mains, and Grains within the Bounds of the Sea of *R.* to the Milns of *R.* and *A.* and from thence to the Caſtle of *C.* and for carrying yearly of the proper Farms, with others of the ſaids Superiors Victual, which he ſhall happen to ſel furth of his own Yards within the *C. of R.* to the ſaid Sea-ſhore of *C.* or *R.* and for providing and furniſhing of Servants *pro rata*, for carrying in of the ſaid Superior his Feuell from his Stacks in the outter-cloſs of the ſaid Caſtle to the Feuel houſes thereof, within the Inner-cloſs of the ſaid Caſtle, and for Dighting and Sweeping of the ſaid Feuel-houſe als oft as need beis, when ever they ſhall be required thereto, and for ſerving of the ſaid Superior in their proper perſons, in his Oaſtings and Courts as the reſt of the Tennents of the Biſhoprick of *Roſs* ſerves, and als paying and fulfilling all other Duties, Conditions, Rights and Services (if any be) contained in the old Infeftments of the ſaids Lands, and others foreſaids, and for the ſaid fifth Part of the *B.* with the Teinds thereof included, and pertinents of the ſame, the ſum of — in name of Feu-Farm at two Terms in the year, *W.* and *M.* by equal Portions, and doubling the ſaid Feu-Farm the firſt year of the Entry of ilk Heir to the ſaid fifth part of Land, as uſe is, of Feu-Farm allennarly, and that all and ſundry the foreſaids Lands of *Eaſter-aird*, with Houſes, Biggings, &c. (as in the Infeft-

ment)

ment) were ſome time holden in chief of the ſaid late King, and are now holden immediatly in chief of the ſaid L. P. and his Succeſſors in Fee and Heretage, for Service of Ward and Relief, and that the foreſaids Lands of *Eaſter-Tarbat*, with the Tower, Fortalice, and Pertinents thereof above-ſpecified, were ſome time holden in chief of the ſaid late King, and are now holden immediatly of the ſaid L. P. and his Succeſſors in Feu Farm and Heretage, for yearly payment of —— Money foreſaid, at two Terms in the year *W.* and *M.* by equal Portions, with a Reik-hen, or four Pennies, as the price thereof, at the ſaids Terms, in name of Feu-Farm; And for payment yearly to the Chapland of the Chaplanrie of the Bleſſed Virgin *Marie* of *B*, the Sum of 4. *libs.* Money foreſaid, for the Suffrages and Prayers, dayly to be Celebrat for the King and His Succeſſors; at the Terms of Payment Uſed and Wont. And doubling the foreſaid Feu-Duty the Firſt year of the Entry of ilk Heir-Male to the ſaids Lands, with the Pertinents as uſe is of Feu-Farm. And that the foreſaids Lands of *Meikle-Tarrel* with their Pertinents above-written; together with the foreſaid yearly Annualrent of *Fifty ſhilling*, (yearly to be Up-lifted, furth of the foreſaids Lands of *Eaſter-Aird*,) were ſome-time Holden of the ſaid late King; and are now Holden immediatly off the ſaid L. P. and his Succeſſors, as come in his Vice, in Fee, Heretage, and Tax-ward, for yearly Payment of the Sum of 24 *merks* Money foreſaid, the time of the Ward and None-entry, als much for the Relief; together with the Sum of 100 *pounds* Money foreſaid, for the Marriage of the Heir; when the ſame ſhall happen allenarly. And that all and ſundry the foreſaids Teinds, Sheaves, or Parſonage-Teinds of the ſaids Lands of *Eaſter A. T*, and *Meikle T.* with the Pertinents, were ſome-time Holden in Chief of the ſaid late King; and are now Holden immediately of the ſaid L. P. and his Succeſſors, as now come in Vice and Place, in Free-Blanch, for yearly payment of an *Pennie*-Money foreſaid, at the Feaſt of W. yearly in Name of Blench-Farm if it be asked) allenarly; And Relieving *J. E.* of *C.* Lord L, and his Heirs and Succeſſors, of —— Bolls Victual due to the Miniſters of *T.* yearly, furth of the ſaids Teinds as an part of their Stipend at the ſaid Kirk of *T*; & of all other Miniſters Stipends, and Augmentations *Communion-Elements*; and Repairing of the Kirks and Chapels, and Kirk-Yeard-Dykes; and of all other Taxations, Annuities; and other Burdens, Stents, and Impoſitions whatſomever Impoſed, or to be Impoſed on the ſaids Teinds, or due and Payable furth thereof, of all Years and Terms bygone; and Yearly and Termly in time-coming. *And*, that the foreſaids Lands and Shealings of *D.* and *B.* with their Pertinents, were ſome-time Holden in Chief of *H.* M. of *C*; and are now Holden immediately in Chief of R. M. of F, and J. M. of L. (who have Appryſed the ſaids Lands, and Superiority from him; and otherways having Right thereto by vertue of their Infeftments,) and their Succeſſors, as Succeding in Vice, and Place; in Feu-Farm, and Heretage, for yearly payment of an Cuſtom, Mart, or 20 ſhilling for the Price thereof, in Option of the Payer, (as the Old Farm uſed, and wont to be Payed furth thereof) and in Augmentation of the Rental of the ſaids Lands and Shealings of D: and *B*. The Sum of 3 *ſhilling* 4 Penies Mony foreſaid, Extending in the haill to the Sum of 23 ſhilling 4 Penies Money foreſaid, at Two Terms uſed and wont, W. and M. by equal Portions, and Doubling the ſaid Feu-Farm, the *firſt* year of the Entry of ilk Heir to the ſaids Lands and Fiſhings; And that the foreſaids Lands of D. in *S.* with the Pertinents above-written, were ſometime Holden in Chief of the Earl of R. L. L, *&c.* And are now Holden immediately in Chief of —— E. of R. L. L. his Son, and his Succeſſors in Fee, and Heretage for yearly Payment to him, and his Succeſſors, Baronies of *Banbreich*, of the Sum of 2 Pounds Money foreſaid, at Two Terms in the year

W. and M. by equal Portions; And giving, and Furniſhing to them Two Hare-Hounds with their Keepers, when ever they ſhall happen to go a Hunting with the King, within the Bounds of *Roſs* (if they be asked,) conform to the Old Infeftments of the ſaids Lands. And that all and ſundry the foreſaids Towns, Lands, Acres, Fiſhings, Woods, and others above and under-written, Lying within the ſaid Lordſhip of *Kinloſs*, were ſome-time Holden in Chief of *T.* Lord *B. of K*; thereafter of E. Lord B. of K; thereafter, (by vertue of the Act of General Surrenders of Kirk-Lands) of the ſaid late King; and are now Holden immediately in Chief of the ſaid L. P. — as come in his Vice, and Place, and his Succeſſors, Superiors thereof, for yearly payment of the Feu-Farms, and other Duties and Services, particularly after-mentioned, *viz.* For ilk Acre of Land, of the ſaids Thirty Nine Acres, and an Half-Acre of Land, of the ſaids Mains of *Kinloſs*, Lying in the Fields *reſpective* above-written. *viz.* (*here the reſpective Feu-Duties of the reſpective Acres are Inſert; ſome paying Six Furlets of Victual, and others but Five; But all converted to* Six Shilling, Eight pennies per Boll, *and payable at* W. *and* M. *by equal Portions, and Doubling only the Price, as converted*) at the Entry of the Heir allenarly; and giving Sute and Preſence at Three Head-Courts, to be Holden at the Monaſtrie of *Kinloſs* yearly; Other Lands of the ſaid Abbacy pay Bear, or the like Price for each Boll *in optione ſolventis*, and at the ſame Terms if it be asked in the Name of Feu-Farm; Others pay Bear, Gooſs, and Pultry, or the like Price for the Victual, and for each Gooſs Ten Pennies, and each Pultry Six Pennies; and for the Town and Lands of F. 22 *merks* at the ſame Terms, Doubling at the Entry; and Sute and Preſence *ut ſupra*. Other Lands pay only Money, and Doubling at the Entry, and giving Sute and Preſence *ut ſupra*; Some Tenements, and Yards pay 3 *ſhilling*, Four *pennies* for an Shearer in Harveſt, and ſome *pultry*, or Price foreſaid; And other Lands bear the general Clauſe of giving Sute and Preſence; and Obſerving and Fulfilling all other Conditions, (if any be contained in the Old Infeftments; *and then follows*:) And that the foreſaids Lands and Barony of *Pluſcarden*, with the Pertinents thereof above-ſpecified, Comprehending the Towns, Lands and others above-written; *Old-Milns* of *Elgin*, and others above-ſpecified, were ſometime Holden of the ſaid late King; and are now Holden of the ſaid L. *P.* as come in his Vice, and Place in Feu-Farm, Free Barony, and Heretage for yearly payment of 120 *pounds* Money foreſaid, at Two Terms in the year W. and M. by equal Portions, and Doubling of the ſaid Feu-Farm at the Entry of the Heir; together with all other Duties, Rights and Services, (if any be,) contained in the Old Infeftments of the ſame; ſome other parcels of Land follow, that pay an Silver-Duty, and Doubling at the Entry of the Heir, with all other Duties (if any be,) contained in the Old Infeftments thereof. And that the foreſaid Great *Lodging* in *Elgin*, (Bounded as ſaid is,) was ſome-time Holden of the late King; and now Holden of the ſaid L. P. as come in his Vice, and Place in Free-Burgage for yearly payment of the Service of *Burgh* uſed and wont. And that all and haill the foreſaids Lands, and Barony of *Innerteell*, Comprehending therein, all and ſundry, the Towns, Lands and others particularly above-written with the Pertinents, were ſome time Holden of the ſaid late King; and now Holden of the ſaid L. P. in Chief, and his Succeſſors as come in his Vice, and Place in Free-Blench, for yearly payment of the Sum of 10 *ſhilling* Money foreſaid, upon the Ground of the ſaids Lands, and Barrony of *Innerteell*, in Name of Blench-Farm, if it be uſed allanerly. And that all and haill the foreſaid Half of the ſaids Lands of *Over* and *Nether-Tyres*, with their Pertinents above-written, were ſome-time Holden of W. E. of M. Lord D. and A, *&c.* and are now Holden immediately in Chief of —— E. of M. L. D. and A. his Oye, in Feu-Farm for yearly payment of —— Wheat,

and

and —— Money, as the Juſt and proportionall part of 20 Bolls Wheat of King *David's* Meaſure; and of Four pounds Money, effeiring to the ſaids Half-Lands of *Over* & *Nether-Tyre*, which is the duty payable for the Lands of *Seafield*, and Half-Lands of *Over* and *Nether-Tyre*, conform to the Old Inſeſtments thereof, at the Terms of Payment uſed and wont; And Doubling the ſaid Feu-Duties at the Entry of the Heir to the ſaids Lands, & Paying, & Fulfiling all other Duties, Rights and Services (if any be) uſed and wont, and contained in the old Infeſtments of the ſaids Lands & others foreſaids. And that all and haill the foreſaids Lands *of Eaſter-Larbat*, and *Eaſter-Aird* reſpective, Lying within the ſaid Sheriffdom *of* R: And all and haill, the foreſaids Lands and Barony *of Innerteell*, *Bridge-Lands*, and Half-Lands *of Tyre* reſpective above written, are, and have been in the hands *of* the ſaid D. M. E. my Mother, Relict *of* the ſaid Deceaſt S. J. M. my Father, by reaſon of Conjunct-Fee, and Liferent, continually ſince the Deceaſe *of* the ſaid S. J. M, who Deceaſt in the Moneth *of September*, 1654; and that all and ſundry, the haill Remanent other Lands, Baronies, and others Reſpective, particularly above-written, with the Pertinents, are, and have been in the hands *of* the reſpective immediate Superiors *of* the ſame reſpective, particularly above-mentioned, by reaſon *of* None-entry continually ſince the Decreaſe *of* the ſaid S. J. M. who Deceaſed in the ſaid Moneth *of September*, and year foreſaid; (and ſo by the ſpace *of* Four Moneths, or thereby) in Default *of* me his Righteous Heir, hitherto not Proſecuting my juſt Right, Herefore, I beſeech you W, would Serve and Cognoſce me, Neareſt and lawful Heir-Male to the ſaid Deceaſt S. J. M. *of* T. my Father, and als as Neareſt and lawful Heir to him, Procreat betwixt him and the ſaid D: M: E: his Spoute, in all and haill, and all and ſundry, the haill foreſaids, Lands, Towns, Baronies, Iſles, Mills, Woods, Fiſhings, Ports, Harbours, Manner, Places, Yeards, Orchards, Tenements, Acres, Graſeing, Shealings, and others reſpective, particularly above-written, with the Pertinents (reſerving to the ſaid D: M: E: my Mother, her ſaid Liferent *of* ſuch *of* the ſaids Lands, as are Provided to her in Liferent in manner above-mentioned;) and to return my ſaid ſpecial Service to the Chancellarie, under the moſt part *of* your Seals as uſe is, and your W: Anſwer.

Apud Edinburgum —— *die menſis* —— *Anno Domini* mileſimo ſexcenteſimo quinquageſimo ——

THe which day, the haill Perſons of Inqueſt being all ſolemnly Sworn, Received and Admitted to paſs upon the ſaid Service, and being furth of Court removed, and re-entring therein again; and having all heard, ſeen, and conſidered the ſaid S. G. M. his Claim above-written, with the haill Inſtructions and Verifications thereof produced in Court, and whole Acts and Procedure of the Proceſs: And being well and rypely Adviſed therewith, and with the Witneſſes and Teſtimonies preſent, adduced for verifying his Propinquity in Blood; and being the eldeſt Son and apparent Heir-male of the ſaid Deceaſt S. J. M. procreat betwixt him and the ſaid D. M. E. his Spoule, they (lawful time of day bidden, and none compearing to object in the contrary, after they were formerly Cited and lawfully Called for that effect, as is uſual in the like Caſes,) all in one Voice, but Variance, by the mouth of —— Elected, Nominat, and Choſen by them in Chancellor of the ſaid Inqueſt, Served, and hereby Serves Affirmative, (&c.) conform to the ſaid Claim, Inſtructions and Verifications thereof produced, and Retours the ſame to his Majeſties Chancellary accordingly: Whereupon, the ſaid S. G. M. asked and took Inſtruments in the hands of —— Nottar publick, Clerk to the ſecond Court of the ſaid Service.

This Deliverance and Verdict, is ſubſcribed by the Chancellor of the Inqueſt, who to his uſual Subſcription, adds the Word Cancellarius.

Baxter, the Clerk of the second Commission to the Service, (which unnecessary to be insert here) differing nothing from the Claim before the Word Hereford *in the close thereof, and that the Clerk is only Subscriber of the Service, (the acts of Court being subscribed by the Macers, and the Verdict of the Inquest on the end of the Claim, subscribed by the Chancellor as supra, which is his Warrand,) only the Service does not regia at the Claim, but as follows, and the Clerk in the Stile thereof speaks in the third person all alongst thus,*

HAc Inquisitio facta fuit in Prætorio, (seu nova Sessionis-domo) Burgi de *Edinburgh*. — die mensis — anno — Coram A. & C. D. duobus ex quatuor Clavigeris ordinariis, Vice-comitibus, — Vice-comitatum de A. & B. P. & N. in hac parte, Nec non Ballivis Regalitatis de A. & Præpositi & Ballivis Burgi de E. etiam in hac parte, specialiter constitutis virtute Commissionis E. Cancellaria sub Testimonio Magni Sigilli ad hunc effectum, dictis quatuor Clavigeris, vel eorum duobus quibuscunque conjunctim, ex deliberatione Commissionariorum pro Administratione Justitiæ infra hoc Regnum datæ & directæ, de data — die mensis — ultimo elapsæ, Dispensationem tam penes Locum, quam Tempus Vacantiarum, (si contigerit) in se continenem, per hos probos & fideles Homines Patriæ subscriptos, *viz. hic insere quindecem personas Inquisitionis cum earum Designationibus, in ordine secundum Qualitatem cujusvis personæ, & postea sic dicendum*) Qui jurati dicunt, & magno Sacramento interveniente) quod quondam Dominus J. M. de T. Miles Baronetus, (Pater Domini G. M. nunc de T. Militis Baronetti latoris præsentium) obiit ultimo Vestitus & Sasitus, ut de feodo ad Fidem & Pacem, in omnibus & singulis Terris, Baroniis, Castris, Turribus, Fortaliciis, Manariorum locis, Molendinis, Sylvis, Piscationibus, decimis Tenementis, aliisque respective particulariter subscriptis, cum Pertinentiis, *viz.* in totis & integris Terris & Baronia de *Cogeach*, *(here follow forth the Claim, but in Latine, and in the third person, as I have said, because the Party speaks in the Claim, but the Clerk of Court in the Service, from the 4 figure, until ye come to* Heresore *in the close of the Claim, and then conclude the Service thus,)* In cujus rei testimonium, Sigilla quorundam eorum, qui dicta Inquisitioni interfuerant præsentibus, (brevibus debite executis sub Sigillis prædictorum Clavigerorum, Vice-comitum & Ballivorum in hac parte antedictorum, inclusis unacum Subscriptione M. J. B. Signeto Scribæ, Notariique publici, & in præmissis Clerici,) sunt appensa, sub anno, die mense, & loco suprascriptis.

Nota, *This Service, that extended and subscribed by the* Clerk, *being (with the Brieves duly executed) given in to the Chancellary, to the Director thereof, or his Deput, they transcribe the same* de verbo in verbum *in Parchment, and* sic subscribitur *as to the Clerks Subscription, and the Director or his Deput, Attests the same to be* vera Copia *of the Service extant in the Chancellary, but Addition or Diminution, and subscribes the same, and this is called the Retour: And in this Service, ye may see Pleasure, als well as Profit designed, viz. Two Hare-Hounds for Hunting, and in the Retour of Largo Lands, held of the Crown Blench, for going in Peregrination with the King and Queen to the Isle of May, when required. But this last before the Reformation.*

The next thing to be considered, is, how the Gentleman served shall be infeft, since he holds partly of the Crown Simple Ward, Taxt Ward Feu and Blench, and some Tenements in libero Burgagio, *and the Lands and others so holden, ly within several Sheriffdoms, and some of them within Regalities, and others within Burrows Royal, and others of the Lands hold of other Superiors than the King.*

1. *To the first I answer, that as to such as hold of the Crown, the Director, or his Deput give out several Precepts under the Quarter Seal, direct to the respective Sheriffs of the Shires, Stewarts of Stewartries, Baillies of Regalities and P. and Baillies of Burrows, where the respective Lands ly, for giving Sasine thereof in their respective Districts. And in each of the said Precepts, there is a* Capiendo Securitatem, *of all due to the King for the Entry, whether Money, Victual, Customs, and the like; and if there be a Conversion of Victual to Money (as usually there is in Abbots, or other Kirk-lands depending upon Abbacies, as Priory, Prebendaries, Altarages, and the like (the Precept bears the same* in gremio: *As also, the Duplication*

cation due to the King for the Entry, and which at times, is the ipsa corpora *of the Rolls, Customs, &c. And at other times, the Prices and Rates to which converted by the antient Infeftments, and particularly set down in the Service, or the Clerk thereof to blame, as formerly observed* Page 622 *at the close.*

2. *Should the Party served neglect to take Seasin before the next Term, the Precept is void by an expreſs Clauſe therein-contained, viz.* Poſt proximum Terminum minime valeturus; *and the Reaſon is good, becauſe in the Precept, and* Capiendo Securitatem *therein-contained, there is only a Commencement made of what due to the King, to the Term immediatly preceeding the Precept: And therefore, if Seaſin be not taken before the next Term, as the Precept is null, ſo the Party ſerved muſt take out an new Precept, wherein the Term then elapſed muſt be ſuperadded, and a Seaſin taken thereon, and ſo progreſſively until the Seaſin be taken and Regiſtrat, and then the Party ſerved becomes Vaſſal, and no more Non-entry for that Vice.*

3. *If the Party ſerved, (which is not in this Caſe) be Minor (and that any of the Lands hold Simple Ward) then he cannot ſerve therein (what ever he may do as to Feu or Blench Lands) without a previous Diſpenſation from the Kings Exchequer* ad hunc effectum, *and paſſes the Signet, and* in gremio *thereof, all the Kings Caſualities are reſerved notwithſtanding, as you will find in the Stile thereof,* Page 888. *Only the* [illegible] *of Lands holding Simple Ward, but not Lands Taxed, in the Infeftment whereof, there is a ſpecial Diſpenſation given to be Served and Infeft as Heir in Special, notwithſtanding of the Minority and Nature of the Holding. And ſo the Minor may in that Caſe, Enter and be Infeft without any other Diſpenſation; and if this Diſpenſation be omitted in the Charter wherein the Lands were Taxed, (and I have ſeen it) it muſt be ſupplied by the Diſpenſation firſt preſcribed; and whether the Lands be Taxed or not, the Service muſt bear by Diſpenſation after the Words* Legitimæ Ætatis.

4. *An other thing ye would obſerve, viz. That as the Lands hold Ward, and ſo (amongſt other Caſualities) the Marriage falls to the King, who is preferred (as to that) to all other Superiors;) even albeit the Vaſſal may hold other Lands Ward of the ſaids other Superiors.) ſo in caſe the apparant Heir fortune to be married in his Fathers Lifetime, there is no Marriage in that caſe due: And ſhould it fall out ſo, the Service ought to bear* per expreſſum, (*after the Words therein,* Et quod eſt legitimæ Ætatis) Et Sponſatus vel Nuptus ante Obitum dicti ſui Patris, *elſe as being Ward Lands, the King, or his Donator, will charge for the Marriage, albeit (when the matter is brought to the Teſt, and the truth is known) it will be found but an eſcape in the Writer, and ſo paſt from as* per errorem, *and as formerly has been ſaid, the like has fallen out: But the Lords of the Theſaury (upon Application made, and the Gentlemans being married, (yea ſome five or ſix years before his Father died, which was notour,) paſt from it.*

5. *The next Queſtion to be propoſed is, But what if the Sheriff, or Baillies of Regality, &c. refuſe to give Obedience to the Kings Precept, pretending that they are Lords, or Barons of Erection themſelves, as to the Abbot, Prior, or other Kirk-lands, and would infer by conſequence their being Superiors, and that their giving Obedience to the Precept, would prejudge their Right, the Heir being Served and Retoured in theſe Lands to be holden of his Majeſty. To this I anſwer, That upon Return of this Precept, with an Inſtrument upon the Refuſal, the Lords upon Petition bearing the ſame, and Production thereof) will ordain the Director, to give out an other Precept under the Quarter Seal, to an other Gentleman, as Sheriff or Baillie of Regality in that part, and with power to chuſe his own Clerk (for whom he is to be anſwerable,) for giving Seaſin, and this Bill is written by a Writer to the Signet, given in to the Bill Chamber, written upon by the Clerk of the Bills, or his Servants, and paſt by the Lord Ordinary, and being preſented to the Director, or his Deput, they thereupon expede the new Precept with the ſame* Capiendo Securitatem *in the firſt Precept and* Reſponde. *This conſtitute Sheriff, or Baillie of Regality (or whatever Judge it be, as Stewart of the Stewartrie of _____, &c.) will be charged with what due to the King, and this was practiſed in the caſe betwixt the Earl of Callender and the Laird of Aitth, who was Served Heir in Special to his Predeceſſors, and obtained a Precept under the Quarter Seal, direct to the ſaid Earl as Sheriff of Stirling, for Infefting in the Lands of* Bearcroſs, *which was a part*

6. The next thing to be propoded, is how to be infeft in Lands holden of Subjects, who will not voluntarly grant an *Clare constat*, upon Production of the Special Retour, & shute not their own Pretenses As 1mo, Year & Day at the Horn, (and so the Liferent Escheat of what holden of them fallen.) 2do. By the Original Fues it is provided that if two Terms run in the third (or the like) the Fee may not payed, the Fee falls and substitute more Terms to be run in, and nothing, and thereby conclude that the Fee is fallen. 3. They have an Apprysing against the Lands and either not purged by payment or intromissions, or the Legal expired, and being led against the Heirs Predecessor, there is no place for him to enter, and the Superior cannot be obliged in that case to obey the Precept. 4. That there is a *Potius de non Alienando et non contrahendo* in the Fen Right, & subsumes a contravention of that Clause, but upon the Matter these & the like may be but Pretenses indeed, as greater Compositions (than due by Law) might (and at times does) reconcile them, and an Entrie is given, (whether there be a Retour or not) but if nothing will prevail, then the Remedy is, to take a Precept out of the Chancellary founded upon the Special Retour direct to that Superior, Commanding him to infeft the Heir (doing that duite incumbent of the Law, and which Precept we call *Precipimus*, which being presented (with a *Clare constat* relative to the Retour) to the Superior, and an Offer made of what proper and due by the Infeftment, and the Superior refuseing the Director or his Deputs, upon production of the first Precept and Instrument of the said Offer and Refusal) give out a second Precept which we call *Mandamus*, (putting the Superior in mind of the former) and the Superior being of new required in the former Terms, and refuseing (upon Report of the laid second Precept and Instrument taken upon the said Refusal) the Director or his Deputs give out a third Precept, which we call *et nisi feceritis*, (importing as afterwards is cleared, the King will do it himself by a Fourt Precept, and this third Precept being presented with the *Clare constat* to the Superior, and an Offer a fresh made to him, of what due of the Law, and he refuseing (and the precept and Instrument of Refusal brought back to the Chancellary) the Director or his Deput, without any Citation, Proces or Decreet, give out a fourth Precept under the Quarter Seal in the Kings name, relative to the former three Precepts, Offers and Refusals directed to — as Baillie in that part, for giving of Seasin, and which being given by and Noctar, and registrat, as it secures the Heir, who (after Wards during Life) holds of the King) so all the Casualities of the Superiorite during the other Superiors Life, belongs to the King as a *casus juris*, but if the King be not immediat Superior, and that others more immediat be interjected, it alters the case, and those must also be difcussed and orderlie, and regularlie, according to the Form of Chancery and Custom in such cases.

There is an other case that falls out, (and not improper to be handled) This superior probatur upon the first Precept, (yea without a precept & upon Sight of or without a Retour, is content to grant a *Clare constat* to the Heir) but the Superior (not being interdicted, it may prove of no effect, (should the Superior die ere he be infeft, and hes fallen out so, and no final inconvenience thereupon ensue) for the next in Blood might serve Heir, and as Heir be infeft to the Predecessor who died last vest and seased, and

and then bring the Entrie granted by the late Appearand superior in succession, and which is yet worse should the Heir (who received the *Clare constat* from the appearand Superior not Infeft, and died (unInfeft, as faid is) contract Debt from persons who following the Faith of his being Infeft, but not knowing the Certantie thereof, lend their Monie to him, and he dying (before he was validlie infeft be a true Superior infeft in the Superioritie) in what case (houle those Creditors be, which I leave for Lawers to plead, and the Lords to judge, (should it fall out so) and yet the Law (if duly observed) has not left men without Remedie, *viz.* if a Superior be not Infeft, the appearand Vassal (immediarly as he is Served and Retoured, (or rather after the three Precepts, and before the Four, may raise a Special Charge against the Superior (founded upon his Retour,) and charging the appearand Superior, to obtain himself Served, Retoured and Infeft as Heir in Special to the Predecessor, who died last vest and seased in the Superioritie within Fourty days (if within the Kingdome) and at *Edinburgh* Cross and Peer of *Leith* on 60 days if furth thereof, by Letters of Supplment, *ad hunc effectum*, that he may be in Capacitie validlie to enter and infeft the Vassals Heir so served and retoured, with Certification as in the stile thereof amongst Letters passing the Signet, page 179. and the being execute and the days elapsed, the Vassal may raise Declarator against the Superior, narrating the whole, and subsuming, and concluding, that because of his Contempt, (and prejudice the Vassal receives) his Amittion and Tinsal of the Right of Superioritie and Casualties thereof, during life, and that he may hold of the King, if mediat Superior, during the said space, the stile whereof is easy, only narrate the same Narative of the special Charge, and its being raised and execute, and then subsume the Contempt, and conclude according to the Certification of the special Charge, and ye must conveen the appearand Heir of the Superior and Ministers of state, Tutors and Curators (if the appearand Heir be Minor) and all Parties having or pretending to have Interest, but I am clear the three Precepts should first run, and then the other of the Special Charge and Declarator, raised and execute successively, as said is) follows natively.

AFter this I intended to have set down an Abbreviary of all Heirs their *Services*, and had them in *Manuscripts*, such as Heirs of Line of a Mans Body, who have Right to all belonging to the Father, that by the Infeftments are conceived in favours of the Heirs whatsoever, and to Heretable Bonds bearing an Obligement to Infeft, (and whereupon Infeftment followed or not,) and Bonds secluding Executors. As also, such as Heirs of first, second, third or fourth Matriages, who are Heirs of Provision by Contracts of Marriage. And as to the Bonds of Provision granted by a Father to a second, third, or fourth Son, &c. and to the Heirs of that Sons Body, whilks Failzieing to such an other Son elder or younger, and Heirs of his Body, and so furth. And probably by a Bond taken by a Gentleman for Money payable to himself, he being on Life, and to the Heirs of his own Body, which failzieing, to such a Person, (and there being no Children probably to his own Wife and her Heirs, and the like Provisions, (which are Arbitrary for Men to do them, and dispose of their own, to whom, and in what Terms they please,) being Acts done *in lege pontis*. And was likewise resolved to give an Account how to answer all the Points of the Brieve in all cases, and how, (there being an Apprying upon the Lands, and Infeft by the Superior,) the same (as well as a Conjunct-Fie) may save Non entry, Ward, albeit not Marriage. But being informed, that *Sir James Wilkam* of *Stairs*, that great and learned Lawer, and President of the Session, had undertaken that Task, and actually did perform his Design, (which I see before Printing of my *System of Stiles*,) I omit what I proposed to my self in that, and refer you to

to his Lordships late *Institutions*, Pages 467, 468, 469, *&c.* (and look his *Index*) wherein ye will find their various kinds, natures and manner of Proceedings therein, very fully and lively Digested; and wherein he shews himself, not only a Lawer, but a great Formalist and Stilist, (as if bred Writer to the Signet,) and sure not without (if not with) the greater pains and search of, and prying in them Matters: And as an evidence of his ardent desire to be versed in all Matters, he had from me the First Part of my *System of Stiles*, called *Real and Personah Diligence*, and my Third Part, being *Summonds passing the Signet*; the first whereof he kept Eight Months, and the other Four or Five Months, and returned them without Amendments, and his Revising of them, in more Esteem with me than the Lending; only in some things he is general and curt as to the old and new Extents, and therefore know, that as *Stairs* tells of an old and new Extent, so each Shire had their own Extent, both old and new; and some Shires the second, some the third, some the fourth, and some the fifth Male, (and of which I have not seen any) of new Extent: And the nearer the Borders, the less still; and the farder North or West, the greater, of new (if not both Extents,) because of their remotness from immediat and extemporary incursions of the *English*, then our open Enemies, but now under one King. And when a Service occurs, the Clerk may know from the last publick Charter and Seasin, or retoure, Precept under the Quarter Seal, and Seasin thereon of the last Vassal, (if so he had the Estate) what Lands he died last vest and seased, and how they hold, of whom, and for what Duty, and as for the time how long in the Superiors Hand, and the reason and cause why, (whether by Ward or Nonentry) the time of the Vassals decease, and nature of the Holding, and Majority or Minority of the apparant Heir, clears that Point. For as all Lands holden Feu, are the same, (both as to the old and new Extent, and in that differ from Lands holden Ward or Blensh) so the old Extent of Lands holden Ward and Blensh, may be cleared by an old Service or Retour; or if the old Conveyances of the Estate was by Contract of Marriage, Disposition containing Procuratory of Resignation, or a simple Procuratory, (and usual betwixt Father and Son, being an Donation not Alienation, as in point of Emption and Vendition betwixt Strangers, and in which Conveyances seldom or never was the Extent comprehended or contained,) then the old Extent must be had from the Records of the Shire where the Lands ly, and so must the new Extent also, or may be had (if wanting there) from the Records of Exchequer, (where all are, or should be,) and if wanting there, (because many of the Records were lost and carried away the time of the late Troubles,) then ye may have the old Extent by Duke *Hamiltons* Taxation 1633, which was before the Wars and loss of Registers, and was ruled by the old Extent, (there being so much of Supply, as 30 Shilling imposed upon each Pound Land of old Extent, for then we knew no such thing as Cess;) and besides, there were Taxations before then, as in the Year 1612, *&c.* And now concluding, that the old Extent is found out, the next thing to be known is, the Rule of the New Extent in Services, and it is this, each Shire (as said) have their own New Extent, (all well as the old,) and some Shires compute to the Double, some the Triple, some the Quadruple, and some Shires the Quintuple; and so supposing that the Lands are of Old Extent Four Pound, and that the New Extent of the Shire where the Lands to be served in ly, is the fourth Male. I

Answer,

Answer, That Point of the Brieve (*quantum valent nunc per annum, & quantum valuerunt tempore pacis*) thus, and that the said Lands of —— are now worth by Year Sixteen Pound, and were worth in time of Peace Four Pound; but notice, that in the *capiendo securitatem* in the Precept under the Quarter Seal, for giving Seasin on the Retour, the New Extent, *viz.* the Sixteen Pound, is the Rule and the Duty payable to the King for the Entry, and not the Old, which was then the only Rule of Taxations. And so much as to the Definition of the Old from the New, and New from the Old Extent.

I have also seen the New and Old Extents the same, which was hard in the case of Taxations, but since Cess is now come in place of that, to pry in the Reason, were needless.

The next thing to be Observed in Services as to the Old Extent, (and in cases that fall out,) is, I am to be served Heir to my Predecessor, in a Land never retoured or extented by it self, and in effect was of old a part of such an Earldom, Lordship, or Barony, and I know not how to find out the old Extent or retoured Duty? To this I Answer, That Publick Burdens going then by way of Taxations, it is probable the Acquirer of this Land, (wherein the Apparant Heir is to be served,) did by his Disposition divide the Retoured-Duty of the whole, and took his Proportion thereof effiring to what acquired, and the Disposition would be inspected; for if so, (and which I have seen in several Dispositions,) it is a true and infallible Rule: But if the Seller (or rather Acquirer) was not so circumspect, then the next (and only) Remedy left, is, to find out the Old Extent or Retoured-Duty of the whole Earldom, Lordship, or Barony, (whereof this Land was a part,) and then compute equally and justly either the Rent of the whole, and Substract what this Land is thereof; As for Example, the whole is 100 Chalders Victual a Year, and the old Extent or retoured Duty thereof 20 Pound, and this Land acquired is 20 Chalders (*ergo* the Fifth Part,) and so falls to be a Fifth Part of the Retoured-Duty, *viz.* 4 Pound, and so decided *July* 19. 1631. Earl of *Kinghorn* contra *Strang*; and *Stair* is of the same Opinion, and cites the former Page 247. *Parl.* 21. and rather take a little more than less then the just proportion, to prevent a Diminution of the old Penny Male, (being a ground of Eviction of the Land in Law;) and as for Patronages and Teinds, ordinarly they are incorporat with Lands, and of one and the same Extent; and if not incorporat (but disjoyn'd) hold Blench, and the Retoured-Duty in the same Extent, (except with the Burden of Stipends, Communion Elements, Repairing in the Church, and the like.

I have seen in an ancient Charter-Chest, a Commission under the Quarter Seal, (upon the Lords Deliverance,) direct to a Nobleman, or Gentleman, as Sheriff in that part of the Shire of ——, within which the Estate lay, wherein the Heretor was to be served; and did see the Retour, Precept under the Quarter-Seal thereon, and Seasine also; and the reason of this Commission was, because the Gentleman to be served was Heretable Sheriff of the Shire himself; and so would not be served before his Depute (being the same, and by an authority derived from himself) but took this method, and the Bill given in to the Lords for the Commission, and the Commission it self runs upon the same narrative and strain.

Note, There be even other Services, which fall out at times (not touched by my Lord Preſident,) *viz.* 1. The Appearand Heir of a Superior, fails to be Heir by Blood or Tailzie to his own Vaſſel in an Opulent Fortune, and how to be Served Heir, and Eſtabliſh the Right of that Eſtate in his Perſon is the Queſtion, Conſidering he is Appearand Heir himſelf to the Superior; but cannot Repreſent becauſe of Debt and Incumbrances upon the Eſtate, and Superiority wherein his Father or other predeceſſors Died laſt Infeft; and upon the other hand, there is a Neceſſity, he have the Right of the Vaſſels Eſtate eſtabliſhed in his Perſon as ſaid is, and to Serve Heir to the Vaſſel, and in the Service to obtain the Property Conſolidat with the Superiority, (as might be done, were he Infeft in the Superiority,) is impoſſible becauſe not Infeft therein: And the Remedy in this caſe, is the Solution of the Queſtion: And I have ſeen the Parralell caſe fall out, and the Method following Obſerved, and Lawyers did Approve thereof.

It was Inquired if he would Repreſent in the Superiority, and was Anſwered in the Negative; thereafter it was inquired, if the Right of Superiority was Appryſed by any Creditor of his Predeceſſors, and Infeft (for in that caſe he might Serve Heir to the Vaſſel, and then obtained an *Clare conſtat* from that Appryſer,) but was Anſwered in the Negative; (only there were ſome Conventional Rights upon the Eſtate wherein that Superiority was not Comprehended.) And *in fine*, it was reſolved, a Creditor of the Predeceſſor, and Superior Infeft, ſhould Charge this Appearand Heir, to Enter Heir to his Predeceſſor in the Eſtate and Superiority aforeſaid, and thereafter purſue him as lawfully Charged to Enter Heir for the Debt; and upon his Renunciation, obtain Decreet *cognitionis cauſa*; and thereupon to Adjudge upon which Infeftment following; The Adjudger might grant an *Clare conſtat* to the Son as Heir to the Vaſſel, to whom he might ſucceed in the Property, (albeit not to the Father, or other Predeceſſor in the Superiority,) and all was done accordingly.

The other Service (not Touched by my Lord Preſident (in this) a Father by his Son's Contract of Marriage gives the Gentlewoman not only a Joynture, but alſo puts the Son (in contemplation of the Marriage) in Fee of the Two parts of his Eſtate, and is provided to the Heirs of the Marriage; whilks Failzeing, to the other Perſons Subſtitute by the Contract; whereby the Father hath become Vaſſel to Infeft them, and the Heirs by Double Infeftments, A me or de me, but reſerves the Reſidue of the Eſtate to himſelf; and in this Marriage, there was a Son Procreat, and his Father firſt Deceaſed; and thereafter, this Son Procreat in the Marriage, his Grand-Father Deceaſed, who being proprietar of the Third of the Eſtate, and Superior of the other Two parts: The Father of the Child procreat in the Marriage, *being only Baſely Infeft, and not Confirmed by the King, Superior to the Grand-Father.) The Queſtion now remains, how this Child, the Oye, (or Grand-Child) ſhall be Infeft in the Two parts whereof his Father was proprietar by the Contract of Marriage, and Seaſin following thereupon (not being Confirmed; or Infeft by Reſignation,) For in Entering Heir to the Grand-Father in the Property of the Third part of the Eſtate Reſerved; and Superiority of the other Two parts, there was no Difficulty: I did propoſe this Anſwer to Lawyers, viz. That the Grand-Child ſhould firſt take out a Brieve and obtain himſelf Served, retoured and Infeft Heir in ſpecial to the Grand-Father in the whole Eſtate without diſtinction of property or Superiority, and then, (and in the next place,) take out another*

Brieve,

Brieve, and Serve himself Heir in special to his Father in the Two parts of the Estate wherein he Dyed pasely Infeft; And in the Claim of the said Service, in Answer to that Point of the Brieve (of whom Holden, and how) it must say that the same Held by my said Deceast Father, of the Deceased —— of —— my Grand-Father his Heirs and Successors, in free Blench for payment of —— yearly, at the Feast and Term of ——, in Name of Blench Farm if it be asked allanerly; and are now Holden of me (as Served, Retoured, and Infeft Heir to my said Deceased Grand-Father therein,) and then the rest of the Service (I mean the Claim) goes on in Course, until ye come to the Herefore which would be conceived in the Words following. viz. Herefore, I beseech your (W. that ye would Serve and Cognosce me as eldest lawful Son and Heir in special to the said —— my Deceased Father (Procreat betwixt him and —— his Spouse,) in the Lands and others above-specified wherein he Died, last Vest, and Seased as of Fee, Holden of his own Father, & my Grand-Father in manner foresaid, And because the said Lands and others foresaids were Holden by my said Deceased Father the time of his Decease, of my said Deceased Grand-Father his Heirs and Successors, and that I am Served, Retoured, and Infeft therein, as Heir to my said Grand-Father, and thereby become Superior of the same, that your (W.) would Find and Declare the Right of Property of the said Lands and others above-mentioned, pertaining to my said Father to be Consolidat with the Right of Superiority, in the Person of me (as Superior,) and of my Heirs and Successors; and to remain and abide with us as our own proper Lands, and Heretage, Heretably, irredeemably, and Inseparably in all time-coming, ad perpetuam remanentiam: *And this I desire your (W.) to do and Return the same to His Majesties Chancellarie, under the most part of your Seals as use is, and your (W.) Answer.*

The VERDICT *of the* INQUEST *follows*

Apud Edinburgum —— *die mensis* —— *Anno Domini* ——.

THE whilk Day, the haill Persons of Inquest, who past upon the said Service, being all Solemnly Sworn, Received and Admitted to pass thereupon; (*here take in the Verdict of the former Service*, page 881. *from the* Word Service, 2. Line, *to the figure* (6) And thereafter Add, and *consolidats* the Right of Property, with the Right of Superiority in the Person of the said —— (meaning the Persons Served) as Superior, and of his Heirs and Successors, and to remain and abide with them as their own proper Lands and Heretage Heretably, Irredeemably, and inseparably in all time-coming, *ad perpetuam remanentiam*: Conform to the said Claim, Instructions, and verifications thereof produced, and retoures the same to His Majesties Chancellarie accordingly, whereupon —— as Procurator for, and in Name and behalf of the said —— Heir foresaid, asked and took Instruments in the hands of —— Nottar publick, and Clerk to the Second Court of the said Service.

This Deliverance, or Verdict is Subscrived by the Chancellor of the Inquest, who to his usual Subscription, (as in all such cases) adds the word Cancellarius.

As to the way and Manner of Extending this Service, by whom, and how Retoured, Read the Postscript, or Animadversion prefixed to the former

former Service which ye will find, page 8010 and the Act of Court, (as to the said Consolidation) would be accordingly.

Others again, (as to the Grand-Child's Service immediately preceeding, as Heir to his Father) proposed this Method, viz. that albeit the Father Died basely Infeft; yet the Contract of Marriage and Precept of Seasing, bearing by Double Infeftments; the Contract and Seasing might be first Confirmed by the King, and the Confirmation Declared in the Signature to be als sufficient as if granted before the Father, or Grand-Father's Decease, and in that case would accresse to the Son, who (after that Confirmation was exped) might Serve Heir to his Father, whose Seasing was then Confirmed, and thereby made publick, but to this Proposition, Thir Answers being made. 1. That the Course was more Chargeable, But 2. How could the Inquest, (even in that case) Swear that the Father Died last vest, and Seased as of Fee, &c. in the Lands; and that the same were Holden by the Defunct, (the Father) of the King, whereas, truely the Time of the Fathers Decease he Held them Base of his own Father, and upon which Answers, the Method proposed was past from; thereafter It was proposed that the Grand-Child might be Served and retoured Heir in general to the Father, and thereby had Right to the Procuratory of Resignation in his Father's Contract of Marriage, and Resignation being made, Infeftment might follow: But this Method could take no effect, the Grand-Father being also Dead.

Note, One case more may fall out, and necessary to be known, and the proper Remeedy, *viz.* at times, a Sheriff or Clerk of the Shire may Decease; and of which Shire, the King has the Jurisdiction and Power of Creation of Clerks and other Members of Court: In which case, there is a Person within that Shire, (whose Father or other Predecessor is also Deceased) and being desirous to Serve Heir in special, (as well as in general) before the next Term, (to prevent Nonentry, and which in the ordinary Course, he cannot do where either Sheriff or Clerk is wanting,) and Judges it Troublesome, (if not Expensive,) to Serve before the Macers; and how to remeed or supply, this is the Question to be Solved. It is Answered, that the Appearand Heir may give in a Bill to the Lords, Representing that he is to Serve Heir to such a Person in all Lands, Heretages, Annualrents and others wherein his Predecessor Died last vest, and Seased as of Fee, at the Faith and Peace of our Soveraign Lord, Lying within such a Shire, which he cannot effectuat by reason the Sheriff or Clerk (as it falls out) is Dead; and therefore craving a Warrand to the Director and his Deputs to Direct, emit, and issue forth a Commission to such a Person as Sheriff in that part of that Shire, with Power to choise his own Clerk (if both be Dead;) and if the Sheriff be Alive, (and the Clerk only Dead,) with Power to the Sheriff to Nominat and appoint a Clerk *in hac vice et ad hunc effectum*, and the rest of the Stile goes in Course, as to a Dispensation for the Vacancy and all, only if the Sheriff be the Person supplyed; The Magistrats of the Head-Burgh of the Shire, will be ordained to Administrat the Oath *de fideli*, and what else prescribed by Law to the Sheriff in that part; and if the Clerk be the Person supplyed, the existing Sheriff will Administrat the Oaths to him; and so the Brieve is taken out and direct accordingly, and the Service proceeds is retoured, and Precept thereon

thereon taken out of the Chancery, direct to the Sheriff whether Old or New, and the Clerk whether Old or New gives Seafing.

The next Thing I fall upon is, *the other Services whereof some returnable, others not: And as to set down the whole Method, Acts and Inſtruments of the reſpective Proceſs were to prove tedious, and that no Clerk to the Practiſe can err whether before the Maceirs or inferior Courts, there being nothing to alter, but to diſtinguiſh in either caſe as to the reſpective Brieves,* mutatis mutandis. *So I begin firſt with a Decreet of Diviſion of Lands, proceeding upon a Brief of Diviſion out of the Chappel and Chancellary of a Regality, wherein there are ſeveral things obſervable, that occurred during the Dependance of the Brieve and Proceſs; And albeit the Stile ancient, yet moſt formal, and no doubt adviſed by Lawers.*

DECREET *of Deciſion conform to a Brieve direct furth of the Chancellary of the Regality of St.* Andrews, *within which the Lands contraverted as to their Marches ly.*

TO all and ſundry whom it effeirs, whoſe knowledge thir preſents ſhall come. M. *C. L.* Stewart-deput of the Regality of *S.* to the effect under-written, ſpecially Conſtitute, Greeting, in GOD Everlaſting; Foreſameikle as anent the Brieve of Diviſion of my L. of *S.* Chappel direct to the Stewart-general of the ſaid Regality, and his Deputs one or more, charging them to cauſe the Lands of *B.* with the Pertinents lying within the Sheriffdom of *F.* and the ſaid Regality be juſtly divided, by an Aſſize, as they ly in length and breadth adjacent to the Lands of *S.* on the *Eaſt*, the Lands of *D.* on the *Weſt*, the Water of *E.* on the *South*, the Miln-Lands of *M.* Miln at the *North* and *Eaſt reſpective*, the Lands of *W.* at the *North*, and the *Weſt reſpective*, betwixt *J. B.* Lady *L.* Spouſe to *J. S.* Heretrix of that one half of the ſaids Lands of *B.* with the Pertinents, and the ſaid *J.* for his Intereſt and *R. M.* of *L.* Knight, Curator to the ſaid J. and J. for his Intereſt on that one part, and *M. T. M. of S.* heretable Poſſeſſor of that other half of the ſaids Lands on the other part, as at more length is contained in the ſaid Brieve Whilk Brieve, *P. L.* of *D.* Stewart-general of the ſaid Regality, cauſed lawfully to be proclaimed at the Mercat-Croſs of *S.* to be ſerved before him, or any of his Deputs, one or moe upon the Ground of the ſaids Lands of B. the — day of — the year of God — years, and cauſed lawfully warn both the the ſaids Parties thereto, and all others having Intereſt as effeirand; At the whilk day compeared the ſaid Stewart upon the ground of the ſaids Lands, and there Gard, Fence a Court, and call the Perſons above ſpecified, after the Form and Tenor of the ſaid Brieve, the ſaid J. and B. M. compearand be *M. E. H.* their Procurator, and the ſaid *J. S.* Party, and the ſaid *M. T.* compearand be *M. D. G.* and *M. G. M.* his Procurators, the Rights, Reaſons, Alegations, Writtings, Evidents and Documents, being ſhown produced and conſidered at ſundry Dyets, and at the laſt an Inqueſt of the perſons under-written, whilk were lawfully Summoned thereto, *That is to ſay, I. T.* in *D.* Miln, *D. S.* in *K. A. B.* of P. *A. L.* in *K. U. F.* in *D.* Milnden, *G. S.* in *S. A. S.* in *H. I. G.* in P. *D. W.* in B. *T. N.* in *C. R. L.* in B. *D. T.* in the *G. T. M.* in *H. D. A.* in P. *D. S.* in *K.* Whilk perſons being Choſen, Sworn and Admitted, paſt furth of the Court, and re-entering therein again, Declared and Delivered negative: Whereupon the ſaid *I. I.*

and R. meaned themselves to the Lords of our Soveraign Lords Session, and raised a Summonds of Reduction, after calling of the whilks and long reasoning, the saids Lords of our Council directed their Letters charging the said Stewart and his Deputs who sat upon the Division to direct their Precepts, charging each of the saids Parties and Inquest above-written, to conveen again upon the ground of the saids Lands upon the 26 day of the Moneth of *A.* the year of God 1558 years, to deliver *affirmativè* or *negativè* upon the Point of the said Brieve, and before any following or delivering thereupon, the said Stewart being discharged of his Office by my L. S. Lord of the said Regality and others, *viz. M. C.* and *J. M.* being made Deputs by the said L. to take Cognition in the Causes above-nominat; In like manner the saids *J. J.* and *R.* obtained other Letters of our Soveraign Lords, charging the said *M. C.* and *J.* to direct their Precepts to conveen both the saids Parties as of before, together with the Inquest above-mentioned, the —— day of the Month of *May*, in the year of God 1558 years, and in case any of them were sick, dead, furth of the Realm, or absent; others in their places to deliver *Affirmativè* or *Negativè* upon the points of the said Brieve, as at more length is contained in the saids Letters. At the whilk day compeared *M. C.* L. upon the Ground of the saids Lands, and gart fence a Court, and call both the saids Parties, the Pursuer Compeirand be *J. S.* her Spouse, and the Defender as of before, and the Inquest, also compeared all personally (except *D. D.* in *P.* and *D. S.* in *K.* in whose Rooms and places were chosen, sworn, and admitted *J. B.* elder citener in S. *I. N.* in *B.* Whilks persons of Inquest after that they were charged conform to the Tenor of the saids Letters past furth of Court, and thereafter the saids Stewart-Deputs assigned to both the saids Parties the 13 day of *May* foresaid, to hear Deliverance given furth by them in the saids Causes (the Parties being warned *apud acta*) The whilk day compeared the said M. C, and fenced a Court, and all the Parties by M. E. H. J. S. and M. G. M, and the haill Inquest upon the Ground of the saids Lands who were charged by R. M. Officer of new, to deliver Affirmative or Negative upon the points of the said *Brieve*, under the pains contained in our Soveraign L. Letters, as at more length is contained in the same; Whilk persons of Inquest after long Consultation and ripe Advisement, divided the fore-named Lands equally in two halfs, betwixt the saids Portioners, by Run-rig, as it shall happen them by Cavel, conform to the points of the Brieve as they ly in length and breadth, after the whilk Declaration and Deliverance in plain Court, the Judge foresaid gart cast Cavells, and the said *J.* fell the shadow half, to the which Verdict the said Judge instantly interposed his Authority, and kenned and entered the said J. B. compearand for the said *J.* in her Name, and himself for his Interest, whilk Division of the forenamed Lands made in manner foresaid, the said Judge Decerned and Ordained to be observed and keeped by baith the saids Parties, and the saids Lands to be bruiked and joysed by them, their Heirs and Successors, conform to the said Division, in witness of the whilk, I have caused my Clerk of Court subscribe thir presents, Letters, Testimonials with his hand at S. the 23 day of the Month of *May*, in the year of God 1558 years.

This Brieve is not Retoured, for the Judge puts all immediatly in Execution, and the Parties in possession conform.

CLAIM

CLAIM *of the Service of a Breive of Terce, which is not retoured to the Chancellary.*

HOnourable Perſons, and good men of Inqueſt, J.D. M. F. Relict of the deceaſt *A.* L. D. unto your Honours ſays, That the deceaſt A, L. D. my Husband dyed laſt veſt and ſeaſed as of Fee, at the Faith and peace of our Soveraign Lord, in all and haill the Lands and Barony of D. (*here were all the Lands, Mannor-places, Patronages, Teinds, and others comprehended in the ſaid Barony, both Property and Superiority, and where they ly particularly inſert as in the laſt publick Inveſtment, all holden of his Majeſty* in capite, *and then follows*) With power to take Seaſin, in all time thereafter, at the Mannor-place of D, as the principal Meſſuage of the ſaid Barony, conform to a Diſpenſation contained in the Charter, and Infeſtment thereof under the Great-Seal, granted to my ſaid deceaſt Husband, or his Predeceſſors (thereafter follows ſome other particular Lands, and then the Third part of the ſaids Lands and Barony of D. with Mannor-places, Houſes, Biggings, *&c.* lying of old by Annexation within the Barony of J. and Sheriffdom of B. and now by a later Annexation, within the Sheriffdom of *E.* and *F.* together with the third Vice or Turn of the Patronage of the Kirk of *D.* Parſonage and Viccarage thereof, as alſo with the Advocation, Donation and Right of Patronage of all Chaplandries of the ſaid third part Lands, all belonging of old to the deceaſt *W. E.* of *M. &c.* and acquired from him by the ſaid deceaſt *A. L.* D. (at the leaſt by his Authors and Predeceſſors) and wherein he was Infeft; and in like manner, in all and haill the Lands of, (*here were contained ſome Lands and others lying within the Sheriffdom of* C. (*ſecluding Salmond-fiſhing*) *with the Teind-Shaves and Parſonage Teinds of the ſame Lands, and then follows in the Claim*) And that I was lawful Wife to the ſaid deceaſt *A.* L. D. the time of his deceaſe (who deceaſed in the Month of —— —— years) living in Family with him, and whoſe Marriage with him was not accuſed, or in the leaſt controverted in his Lifetime and mine; And that therethrough, and by the Laws and conſtant and inviloable practiſe of this Kingdom, I ought and ſhould have a reaſonable Terce of all and ſundry the Lands, Barony, and others above-expreſſed, wherein the ſaid deceaſt *A.* L. D. died laſt veſt and ſeaſed as of Fee (except the Advocation, Donation, and Right of Patronage above-ſpecified) Herefore I beſeech your Honours to find and declare I was lawful Wife, and ſo holden and repute to the ſaid *A.* L. D. and my Marriage with him not accuſed at or before his Deceaſe, but then in Family with him, and as his Wife, and thereupon, that ye will ſerve and cognoſce me to ane reaſonable Terce and Third, of all and ſundry the Lands, Barony, and others above-mentioned, with the pertinents wherein the ſaid deceaſt *A.* L. D. my Husband died laſt veſt and ſeaſed as of Fee in manner above rehearſed; And your Honours Anſwer.

The Service being led, the Verdict of the Inqueſt follows,

Apud Edinburgum *vigeſimo primo die menſis* Maii 1675.

THe whilk day the haill perſons of Inqueſt who paſſed upon the ſaid Service of Terce, by the Mouth of *M. C.* Advocat, Elected, Nominat and choſen by them in Chancellor of the ſaid Inqueſt, have found, and hereby find, that the ſaid Lady was holden and repute the ſaid *A.* L. D. his lawful Wife,

and the Marriage never accused by him in his life, but intertained and kept in Family with him as his Lady, at his very death; And therefore have Served and Cognosced, and hereby Serves and Cognosces *affirmative*, conform to the Claim, Writs and Documents produced, and other Testimonies adduced for instructing thereof, and recommends to the Sheriff and his Deputs, to divide the said Third from the other two parts of the said Lands and Estate.

Nota, *This Verdict was subscribed by the Chancellor by his ordinary subscription, and thereto subjoyns*

CANCELLARIUS.

After this, the Sheriff or other Judge before whom led, may divide the the Third from the other two Part.

But I must say a Contract of Marriage giveing a certain Joynture in Contemplation of all other Liferent Terce, &c. had been more compendious, and less expensive and burdensome to the Heir.

Nota, *I thought to have set down the Diverse of Tutory in Law, Idiotry, Furiosity, Deaff and Dumb, and wherein they differ. Lyning, Perambulation, the three first whereof are retoured, seing sufficient Caution must be found for faithful Administration, before the Retours of these be given out, but my Lord* Stairs *having so fully done the same, and given exact Accompt of their several Natures, and import of all, and of other Brieves sometime practicable (but now in desuetude) as ye will find in his* Institutions, page 551, 552, 553, 554, 555, &c. *it was als improper as unnecessary for me to concern my self in it, specially seing all these are done before the Sheriffs of the Shires, Baillies of Regalities, and the Clerk can hardly err in the Stile (if the Brieve, be but answered in terminis) and at other times an other Partie alledging he is nearest of Kin on the Father side, or that he who is nearer is not 25 years, or that the Judge is partial, may make Application to the Lords, who will either discuss, the Point summarly, and remit back to the Judge to whom the Brieve is direct, with such Rules and Qualifications as they think fit, or else will be advocat to the Macers as Sheriffs in that part, and if the Lords find an intricacy will appoint them some of their own Number to be Assessors and should the Assessors scruple, will be reported and discussed in presentia.*

The next thing I fall upon is, what only passeth the Quarter Seal, (otherwise called the Testimony of the Great Seal.)

SIGNATURE of PRESENTATION *by his Majesty, of an Vassal to a Superior, (of a Subject) of whom some Lands hold that fell in his Majesties hands by reason of Forefeiture.*

OUr Soveraign Lord considering the good and faithful Services, done and performed to his Majesty by A. B. of —— Therefore his Majesty, with the special Advice and Consent of (*here take in the Consents according to the Constitution of the Exchequer for the time,*) ordains a Letter of Presentation to be made and passed under his Highness Quarter Seal (otherwise called the Testimony of the Great Seal of the said Kingdom) in due and competent Form, making mention, That his Majesty understanding, that the Lands of —— (*here were all the Lands, and what else contained*

ned in the Infeftments infert, and whereby he is and then followed; all pertaining hereably of before to M. J. of L. holden by him immediately of Je Forsh Esq; Superior, and now appertain and belong to his Majesty, and are fallen and become in his Highness hands, and to his Royal Gift and Disposition, by reason of (6) Escheat and Forfeiture, Lawes and Practique of the said Kingdom, and inherent Priviledge of the Crown, through being of the said M. J. L. in an Justice Court holden within — upon the — day of ——— years, by his Majesties Justice General and Justice-Clerk, and remanent Lords of Justiciary within the said Kingdom, found Guilty of, and Convicted for the Crimes of High Treason and lese Majesty, committed by him against his Majesty, and his Highness Government in manner, and at the time specified and contained in the said Sentence and Doom of Forfeiture: And being desirous to confer a Character, and Mark of his Royal Favour and Bounty upon the said A. B. and likewise, being unwilling that the said J. E. of T. immediat Superior of the saids Lands and others foresaids, be prejudged for want of an Vassal therein for the futur; therefore nominating and presenting: Likeas his Majesty with Consent foresaid, by thir presents nominats and presents the said A. B. and his Heirs and Assigneys, in Vassals and Heretable Tennents to the said J. E. of T. and his Heirs and Successors, Heretably and Iredeemably in all time coming, in the saids Lands and others above-mentioned, Willing and Requiring hereby them, as Superiors foresaids, immediatly upon sight hereof, and as they will be answerable, to enter and receive the said A. B. and his foresaids, in Vassals and Heretable Tennents to them, in the same Lands and others above-mentioned, with the Pertinents lying as said is, to be holden of the said J. E. of T. and his foresaids as Superiors, the same way and manner, and with all the Priviledges and Immunities, and for payment of the Duties contained in the said M. J. L. or his Predecessors and Authors, their Rights and Infeftments of the same, at any time before (7) the said Sentence and Doom of Forfeiture, and to grant, subscribe, and deliver to them sufficient Charters, containing Precepts of Seasin, and other Securities requisit thereanent, the said A. B. and his foresaids, doing and performing to the saids Superiors that Duty incumbent of the Law for the said Entry; and sicklike Assigning, Transferring and Disponing: Likeas, his Majesty with Consent foresaid, by thir Presents Assigns, Transfers, and Dispones in favours of the said A. B. and his foresaids, the haill Writs and Evidents, both old and new, of the saids Lands and others above-expressed, granted to, or any ways conceived in favours of the said M. J. L. or any of his Predecessors, Cedents and Authors; or any ways introduced in their favours, of, upon, or concerning the same, and all Tacks, Prorogations, Decrees of Plate and Valuations, and other Rights competent to the said M. J. L. or his foresaids, of the Teinds, Sheaves, and other Teinds, both great and small, alswell Parsonage as Vicearage of the saids Lands and others foresaids, also fallen in his Highness hands, and at his Highness Gift and Disposition by reason foresaid: And likewise, constitutes them his Majesties Assigneys, in, and to the haill Maills, Farms, Rains, Customs, Casualities, Profits and Duties of the saids Lands and others foresaids, with the Pertinents, of the Crop and Year ——— Years, and all by-run Rests; and sicklike Yearly and Termly in all time coming, and all Action, Pursuit and Instance competent, or that may be competent to his Majesty in the Premisses, (8) by vertue of the said Sentance and Doom of Forfeiture, for now and ever, with full and ample power to the said A. B. and his foresaids, instantly to apprehend Possession of the saids Lands and others foresaids, and Manor-place and Office-houses thereof, and to intromet with, uplift, ask, crave and receive the Maills, Profits, and Duties above-assigned, and to use and dispose thereupon at pleasure, and to call and pursue therefore, and for Exhibition, Production, Implement, Fulfilling and Delivery of the saids Writs and Evidents, and that before any Judge or Judges competent as accords, and to set and raise Tennents, use Warning, prosecute Removing, and to do what else the said M. J. L. might have done therein, at any time (9) before the said Sentence and Doom of Forfeiture, or as his Majesty might have done therein himself, by the Laws of the said ancient Kingdom, at any time sensyne, and that freely, quietly, well and in peace, but any Revocation, *&c.* And his Majesty faithfully promises, *in verbo Principis*, to Ratifie the said said Presentation, Charter, and Seasin to follow thereupon, in his Highness next ensuing Parliament, Willing and Requiring his Highness Estates of Parliament, to Ratifie the same accordingly; and that the said Presentation be extended in most ample Form with all Clauses needful. *Given at*

Note, If other Deeds fall in the Kings hands as Ordinis Hæres, or by reason of Bastardy, it must also go by Case under the Quarter Seal, (if the Lands hold of Subject) and there is no diffrence in the Stile, except the Modus Vacandi, which is the same as in the case first put in figure (6) viz. of an Ordinis Hæres.

Know ye, that whereas A. B. Ordinis Hæres, Lands and Tenements of the said Kingdom, [illegible] Crown, through the said [illegible] Decease in the ——— Year, without Heirs lawfully begotten of his own Body, [illegible] the next Degree, who, jure sanguinis, may succeed to him, [illegible] made by him thereof, at any time in his Lifetime. And [illegible] fall in the Kings hands by Bastardy, that say at the figure (8) by [illegible] Liberties, Laws and Practiques of the said Kingdom, and inherent Prerogative of the Crown, through, and by the said ——— he being born Bastard, and departing without Heirs lawfully begotten of his own Body to succeed him [illegible] and [illegible] Disposition made by him of the same, at any time in his Lifetime.

And to serve the Modus Vacandi described, so ye must take the words through [illegible] (7) viz. the said Casualty fell in his Majesties hands by reason [illegible] figure (8) add, or were having Right therein, the way and manner [illegible] the figure (9) say, at any time before his Decease, or as his Majesty might [illegible] himself at any time since, by the Laws and Practiques of the Kingdom, all from the (9) figure, and thereafter follow forth the [illegible]

SOMMONDS of ERROR, *Being of a Service of a younger Brother in Lands, and of [illegible] following thereupon, while there was an elder Brother to succeed, and who [illegible] for some years, but returned and called all in question.*

CHARLES by the Grace of God, *Magnæ-Britanniæ, Franciæ, & Hiberniæ* Rex, fidei[illegible] defensor, illustris nostris A. B. ———, Ex vestrum cuilibet conjunctim et divi[illegible] Nostris ac Vice-comitibus in hac parte parte respective, specialiter con[illegible] præceptum et mandamus, quatenus legitime, et coram rect[illegible] [illegible] B. de ——— C. D. de ——— H. E. de ——— A. I. de [illegible] C. D. de ——— Personas adhuc in vita existentes, super deservione cujusdem [illegible] breviatus capellæ nostræ, impetratorum ad instantiam quondam W. W. [illegible] J. W. filii legitimi senioris quondam D. W. de ——— per ——— quam de[illegible] dictus quondam W. W. est deservitus, tanquam verus legitimus, & pro[illegible] quondam J. W. in totis & integris terris, aliisque [illegible] pertinentiis modo subscripto, nec non J. & A. W. filius & hæ[illegible] apparentes dicti quondam W. W. eorum patris, pro eorum [illegible] A. M. de ——— in cujus favorem, totæ & integræ terræ, alinque subscripta cum pertinentiis, per dictum quondam W. W. tanquam pretendentem [illegible] vendite & disposita fuerint: Et qui desuper in eisdem infeoda[illegible] fuit modo subscripto, etiam pro suo interesse, (*leave blank for one per[illegible]*) A. R. unum Ballivorum Burgi de ——— adhuc in vita tem[illegible] deservitionis subscripta mentionatæ, coram quo, & J. quondam A. H. [illegible] T. M. duobus aliorum Ballivorum dicti Burgi pro tempore, di[illegible] præsentis inquisitio subscripta, modo subscripto, facta fuit, A. M. pre[illegible] dicti nostri Burgi, L. R. J. F. & dictum A. R. Ballivos ejusdem, [illegible] Nostrum publicum, ac communem Clericum dicti nostri Burgi, Dominum [illegible] Milnem, Directorem nostræ Cancellariæ, pro suo interesse, (*leave blank for one name*) modo subscripto, viz. Quorquor eorum existunt infra hoc Regnum, tempore eorum Citationis personaliter, vel apud eorum loca Habitatio-

nis,

nis, ſuper viginti uno dierum; Et quotquot eorum exiſtunt extra dictum Regnum noſtrum, tempore dictæ eorum Citationis, per publicam Proclamationem apud Crucem Foralem Burgi noſtri de *Edinburgh*, & Littus (vulgo nuncuparum) lie Peer & Shoar de *Leith*, ſuper premonitione, & in ſpatium ſexaginta dierum. Nec non Tutores & Curatores prædictarum perſonarum, ſaltem quot ipſorum ſunt Minores, omneſque alios intereſſe habentes, vel habere pretendentes in materia & cauſa ſubſcripta, per publicam Proclamationem apud Crucem Foralem Burgi noſtri de —— aliaque loca neceſſaria, coram nobis, noſtriſque Conſilii & Seſſionis Dominis apparere; apud *Edinburgum*, vel ubi pro tempore reſidere contigerint —— die menſis —— proximi futuri, ſi dies illa juridica fuerit, vel proxima die juridica inde ſequuta, hora cauſarum cum continuatione dierum, ad inſtantiam dilecti & conſiſi noſtri Conſiliarii Domini J. N. de D. noſtri Advocati, pro noſtro intereſſe in Actione & Cauſa ſubſcripta: Nec non, ad inſtantiam J. W. fratris immediati junioris, & hæredis deſerviti & retornati dicti quondam Joannis W. ſui fratris, & W. W. fratris dicti Ja. W. in cujus favorem, præfatus Ja. W. dictas terras, aliaque reſpective ſubſcripta, vendidit, alienavit, & hæreditarie & irredimabiliter diſpoſuit, (ſecundum Tenorem Literarum, Alienationis, & Diſpoſitionis, in iiſdem Procuratoriam Reſignationis continentium, per dictum Ja. W. prænominato W. W. de eiſdem factæ & conceſſæ, de data —— die menſis —— anno —— Et virtute cujuſquidem Diſpoſitionis, Literæque Procuratorialis inibi contentæ, & Reſignationis deſuper ſequentis, prædictus *W. W.* in terris, aliiſque ſubtus ſpecificatis, —— die menſis —— tunc ſequentis, legitimè & publicè infœdatus fuit) reſpondendum, at ideo, indubitatum jus & intereſſe habentium, dictam deſervitionem & retornatum, cum omnibus deſuper ſequutis retractandi & retornandi, omniaque Infeofamenta exinde ſequentia; Nimirum, præfatas perſonas, Tutores Curatoreſque totquot earum ſunt Minores, omneſque alios intereſſe habentes, ſeu pretendentes adferendum ſecum exhibendum & producendum coram nobis, noſtriſque conſiliis et Seſſionis Dominis die loco horaque cauſarum ſupra ſcriptis, cum continuatione dierum, dictam pretenſam deſertionem factam in prætorio dicti Burgi de —— coram dicto quondam *A. H.* præpoſito ejuſdem dicto quondam *I. D. D. R.* & *A. R.* ballivis eiuſdem pro tempore in curia burgali ibidem tenta —— die menſis, —— anno —— per dictos inquiſitores, & quondam W. R. in —— *A. B.* in —— et O. D. Burgenſes dicti Burgi de —— (tres perſonas ſuper dicta deſervitione exiſtentes nunc vita defunctas) *In qua Inquiſitione* predicti inquiſitores iurati, & iudicio remoti dixerunt et deſervierunt quod præfatus quondam W. W. eſt verus legitimus & propinquior hæres prænominati quondam, J. W. ſui fratris de et in omnibus & ſingulis (hic inſerre terras in quibus deſervitus fuit ut in deſervitione, vel retornatu) & quod dictus *I. W.* obiit ultimo veſtitus & ſaſitus ut de feodo ad fidem & pacem noſtram in iiſdem, et quod eſt legitime Ætatis, & quod dictæ terræ aliaque ſupra ſcripta cum pertinentiis de nobis noſtriſque ſucceſſoribus in libero burgagio tenentur, pro ſervitio burgagio debito & conſueto prout in dicta deſervitione dedata ſupra ſcripta latius continetur, unacum retornatu (ſi qui ſit) inde ſequente et preceptis ſaſinæ (ſi quæ ſint de ſuper ſequentibus et inſtrumento ſaſinæ dicti quondam W. W. tanquam pretendentis hæredis antedicti de prædictis terris aliiſque ſupra recitatis dedata —— die menſis —— anno —— *leave a blank for further production*) unacum toto proceſſu dictæ deſervitionis, plenariis integriſque fundamentis et warranti, ſuper quibus eadem proceſſit et radicata eſt, unacum omnibus aliis ſaſinis evidentiis ſecuritatibus ac titulis in prædicta curia et in queſitione per præfatum quondam W. ſuoſque actornatos ſeu procuratores ejus nomine coram prefatis perſonis aſſiſæ productis ad pretenſa dicti quondam W. W. clamea probanda et inſtruenda una etiam, cum pretenſis literis alienationis ſeu diſpoſitionis per dictum quondam W. W. prefato, A. M. de et ſuper terris aliiſq; ſupra ſpecificatis cum pertinentiis factis & conceſſis vel pretenſo contractu alienationis inter illos confecto penes hæreditariam diſpoſitionem & alienationem earundem in ſe procuratoriam reſignationis continente, pro reſignatione huiuſmodi in manibus dictorum præpoſiti et ballivorum dicti Burgi in favorem pro que noſtro novo in feoamento et ſaſina ut moris eſt infra Burgum de eiſdem dicto *A. M.* hæredibus ſuis et aſſignatis inibi mentionatis de ſuper dando et conficiendo, dedata —— die menſis —— anno —— nec non cum inſtrumento ſaſinæ de ſuper in favorem dicti *A. M.* ſequente dedata —— die menſis —— anno —— ſub Signo et ſubſcriptione præfati D. F. Notarii publici, ac prædicti Burgi de —— Clerici, (hic vacuum reliquendum ſi opus ſit) unacum omnibus et ſingulis aliis diſpoſitionibus, contractibus ſaſinis aliiſque juribus tituli et ſecuritatibus quibuſcunq; in favorem dictarum

rarum defendentium vel eorum prædeceſſorum ſeu autorum de prædictis terris aliiſque præſcriptis, cum pertinentiis concesſis, dedaris tenoribus & contentis ſupra ſpecificatis, ſeu de quibuſcunque aliis datis tenoribus vel contentis exiſtunt, ad videndum & deliberandum per dictos noſtros dominos Concilii et Seſſionis, et eaſdem audiendum et videndum reduci Retractari, Reſcindi, Caſſari, annullari, et per decretum dictorum Dominorum Concilii et Seſſionis, decerni et declarari ab initio fuiſſe et nunc omnique tempore a futuro fore nullius roboris valoris, efficaciæ vel effectus, cum omnibus de ſuper ſecutis vel ſequendis, nec non civiliter et legitime improbari per teſtes inſertos et omni alio modo quo de jure tanquam falſas fictas fabricatas ſimulatas effictas et machinatas per dictos reos aut unum vel alterum eorum et dictas perſonas ſuper præfata inquiſitione exiſtentes ad audiendum & videndum per Decretum antedictum ſeipſos fraudem et temere juraſſe ſuper aſſiſa comiſſa ac proprietja pro eorum manifeſto publico et voluntario errore pœnas temere jurantium ſuper aſſia incurriſſe; et ideo in eorum corporibus et bonis per leges praxin et conſuetudinem hujus regni puniri in terrorem aliorum talia in poſterum committere, pro ſua dentibus rationibus et cauſis ſubtus ſcriptis, *Prime* Quia de jure & praxi hujus regni noſtri omnis deſervitio lata et deducta per quam aliquis deſervitur tanquam verus legitimus & propinquior hæres predeceſſori ſuo defuncto in terris aliiſque in quibus obiit, ultimo veſtitus et ſaſitus, Qui tamen non eſt verus legitimus et propinquior hæres in iiſdem ſed exiſtit alius verior mage legitimus prior & propinquior hæres dicto prædeceſſori ſuo defuncto, in dictis terris quam ille, qui ita deſervitus eſt, eadem de jure nulla eſt reduci debet et declarari fuiſſe ab initio eſſe, et in futurum fore nullius valoris, cum omnibus inde ſequentibus, et perſonæ ſuper tali deſervitione exiſtentes commierunt fraudem et temere iurantium ſuper aſſia et præterea pro eorum manifeſto publico et voluntario errore pœnas temere jurantium ſuper aſſia incurrerunt, et ideo in eorum corporibus et bonis per leges praxin et conſuetudinem dicti regni noſtri puniri debent, ſed ita eſt per prædictam deſervitionem, præfatus quondam W. W. deſervitus fuit, tanquam verus legitimus et propinquior hæres præfati quondam *J.* W. ſui fratris de omnibus et ſingulis prædictis terris aliiſque ſupra ſcriptis cum pertinentiis, qui tamen *W.* W. revera non fuit, illius verus legitimus et propinquior hæres ſed exiſtit, et ad huc exiſtit, alius verior & mage legitimus prior et propinquior hæres, dicti quondam I.W. in dictis terris *viz.* dictus *Ja.* W. qui eſt frater ſecundus et immediate Junior dicti quondam I.W. et ſic verus legitimus prior et propinquior hæres dicti quondam I. w. ſuo fratri immediate ſeniori in dictis terris, & ille in iiſdem ſuccedit & ſuccedere debet ante dictum quondam *W. W.* qui fuit frater ſolum Tertius genitus dicti quondam *J. W.* Et ſic frater immediate junior dicti *Ja. W.* & remotior Hæres, quam præfatus *Ja. W.* qui eſt frater ſecundus immediate junior & propinquior Hæres (ut prefertur) dicti quondam *J. W.* inter dictum *J. W.* & *W. W.* interpoſitus & interjectus ac quantum quatuor fuerunt fratres, *viz.* dictus quondam *J. W.* dictus *Ja. W.* dictus *W. W.* & dictus Wa. W. qui quidem dictus J. W. frater ſeniot obiit ultimo veſtitus & ſaſitus in dictis terris, & ſic denominatus Ja. W. exiſtens frater ſecundus genitus eſt illius ſolus verus legittimus & propinquior hæres in iiſdem, & ille in illis ſuccedit & ſuccedere debet Et ultra eſt ille hactenus & debite & legitime deſervitus & retornatus Hæres in generali ut dictum eſt. Et ſic nunquam de jure prædictus quondam W. W. frater tertius genitus dicti quondam J. W, ei Hæres in dictis terris deſervire potuit dicto J. W. tunc exuto & ad huc exiſtente neque de jure potuerunt dicti Præpoſitus & Baillivi, do mentum dictum Breve ad inſtantiam prefati W. W. impetratum de ſuper, ac proinde dicta prætenſa deſervitio eſt de jure nulla & eadem (una cum dicto prætenſo retornatu, præceptis & inſtrumentis ſaſinæ inde ſequentibus, aliiſque in ſupra ſupra ſpecificata quæ exhiberi produci & reduci petuntur ut reſcindi, reduci & retractari debent, cum omnibus inde ſequutis vel ſequendis, ac dicta perſonas ſuper dicta Inquiſitione & deſervitione exiſtentes fraudem commiſſe & temere ſuper aſſiſa juraſſe decerni & declarari debet. Et propterea pro eorum manifeſto publico & voluntario errore pœnas temere jurantium

ſuper

ſuper aſſiſa incurriſſe, & ideo in ſuis corporibus & bonis puniri debent (hic vacuum relinquo pro aliis rationibus ſi quæ ſint.) Et igitur dicta prætenſa deſervitio retornatus inde ſequens ac clameum coram dictis judicibus ſuper aſſiſa exhibitum, unacum omnibus ſcriptis evidentiis documentis & ſecuritatibus per dictum quondam W. W. vel ſuos procuratores ſeu actornatos exhibitis & productis ad dictum Clameum inſtruendum verificandum & probandum, & dictum prætenſum præceptum Saſinæque inſtrumentum, præfato quondam W. W. facta; Et dictæ prætenſæ literæ alienationis & diſpoſitionis vel prædictus prætenſus contractus alienationis & procuratoria reſignationis in ſe contenta & dictum Inſtrumentum Saſinæ in favorem prænominati *A. M.* de ſuper ſequens ——, aliæque evidentiæ ſecuritates, & tituli inde ſequentes. Reduci retractari reſcindi caſſari annuallari decerni, & declarari debent per decretum prædictorum dominorum noſtri Conſilii & Seſſionis ab initio fuiſſe, nunc & in poſterum fore, nullius roboris valoris efficaciæ ſeu effectus cum omnibus deſuper, ſequentibus vel ſequendis. Nec non civiliter & legitime improbari per teſtes inſemos & omni alio modo quo de jure & decerni nullam fidem facere, in judicio nec extra judicium omni tempore à futuro tanquam falſe fictas fabricatas ſimulatas effictas & machinatas per eos vel unum vel alterum eorum. Et præfatæ perſonæ ſuperdictæ Aſſiſa in eorum perſonas & bonis puniri decerni debent tanquam temere jurantes ſupra aſſiſa pro cauſis & rationibus ſupra ſcriptis. Alioqui rationalem cauſam in contrarium alligare, quare eadem non ita facta ſit, cum certificatione iis ſi deficient, noſtri domini Concilii & Seſſionis prædicti in cauſa ſupra ſcripta volunt procedere & in eadem reducere, decernere, improbare, & declarare modo ut prefertur etiamque volunt. *Secundam ſuſtitiam*, &c. Præterea ad reſpondendum ad inſtantiam prædictorum Actorum indicta materia in quantum de lege tenentur inſuper quod legitime Summoneatis manderis atque præcipitaris, &c. —, Ad comparendum coram nobis, dictiſque dominis noſtri Concilii & Seſſionis die & loco predictis, hora cauſarum cum continuatione dierum, ut verum & fidele teſtimonium perhiberent agerent in quantum ſciunt vel interrogati fuerunt indicta materia, ſub omni extrema pœna & periculo quæ deſuper ſequi poterint prout nobis deſuper reſpondebitis; Ad quod faciendum, vobis & veſtrum cuilibet conjunctim & divisim Vicecomitibus noſtris in hac parte ſpecialiter conſtitutis noſtram plenariam per præſentes literas committimus poteſtatem, per vos debite executas & indorſatas rurſus latori reddentes. Datum ſub Teſtimonio noſtri magni Sigilli apud *Edinburgum* —— die menſis —— Anno Domini Milleſimo ſexcenteſimo ſexageſimo ſeptimo, Regnique noſtri anno ——.

Ex Deliberatione Dominorum Concilii.

Nota, *Reduction of Retours being of ſuch Hazard to the Members of Inqueſt, It is Statute*, Parl. 5 Anno 1494, Cap. 57. K. Ja. 4. *That they ſhall not be Reducible, but within Three years after the Dates, ſo as to inferr Error againſt the Inqueſt: albeit they may be reduced, (ex to render the Retours null in themſelves) at any time, within Twenty-nine after they were Deduced*, Parl. 22. cap. 13. J. 6. Anno 1617, *being Majors and within the Kingdom, but this Act looks only forward, but not as to Retours before, which only preſerive by the general Act of Preſcription*, Parl. 1617, cap. 12, *and ſo Decided by the Lords*, November 28. 1665, Younger contra Johnſtoun; *and it is to be Obſerved that by the ſaids Acts, Acquiſitions made before them, are reſerved and not Compehended.*

REPROBATORS.

Pass only the Quarter-Seal, and sustained though not Protested for at the Examination of the Witnesses, but only before Sentence, *July* 30. 1668. Laird of *Milntoun* contra Lady *Milntoun*, being in a Cause of Divorce,

Not admitted to be Added after a Reduction was Filled up, and Discust in a Divorce, but reserved a special Action of *Reprobater*, *February* 25. 1669. *inter eosdem personas*, one who acquired a Liferent from a Husband, and which would fall back to the Wife by the Divorce; who Compearing before the Commissaries to Object against the Witnesses, and to Interrogat them not Admitted, may Pursue a *Reprobator*; albeit, in a Reduction he got the Witness re-examined, but their own Testimonies of Corruption not Admitted to enervat their former Testimonies, as to which *Reprobater*, and what Objections competent against the Witnesses, and what not is Decided, *January* 21. 1672. *inter eosdem personas*: *Reprobators* found Relevant, being Libelled upon, Instructing, or prompting of Witnesses without necessity to alledge that the Witnesses undertook, or Deponed conform, and that *in odium corruptelæ*, without Inferring any Blemish upon the Witnesses so prompted, who consented not to Swear falsly *ibid.*

Reprobators found Relevant upon Libelling of Corrupting of Witness, upon giving or promising good Deeds, more than would be suitable for their Charge *ibid.*

Reprobator upon Corrupting of Witnesses, by giving, or promising Bribes, or prompting Witnesses thereupon was found only probable by Write, or Oath of the Parties, who Adduced the Witnesses after Decreet, and not by Witnesses unless the *Reprobaters* had been Pursued before Decreet, proceeding upon the Testimonies of the Witnesses quarrelled; but upon a Syster hearing Recalled, and Witness above-exception were found Competent, whether before or after Sentence, and the Witnesses were Ordained to be Condescended upon. The first Interlocutor was the 14. of *July*, 1671. And the 2d. the 20. of *February* 1672. *inter eosdem personas*. Vide *Spairs Decisions, new Institution.*

The Reason why I set down these Decisions, is that when a Reduction of a Decreet of Divorce was pursuit upon the Summonds and on the Signet, the Lords would not sustain it, not being by way of Reprobation, and under the Quarter-Seal: And so much to prevent the like Mistake for the future.

TUTORIE *Dative from His Majesty, and Exchequer, to a Person to Govern, and Manadge a Minors Estate, being within the years of Pupillarity, and passes on the Quarter-Seal, (otherways called the Testimony of the Great-Seal.)*

OUR SOVERAIGN LORD Considering, that it belongs to His Majesty of Right,) to provide Tutors to Persons that be Minors, and within the Years of Pupillarity, (where the Parents Die, not nominat Tutors, or being nominat, Decease, or will not accept of the Office, or where the Mother is nominat Tutrix, and afterwards Marries; or where the Neareſt Agnat does not pursue his Right of Tutory *Jure Sanguinis* within Year and Day after the Fathers Decease.) And that the Deceast *A. A.* Malt-man in *L.* having before his Decease nominat J. R. his Spouse to be Tutrix to J. A. his only

only lawful Daughter: The said Office is now over, and Suppreſt by the said J. R. the Tutrix her after Marriage; and His Majeſty being unwilling; the said J. A. the Minor, or her Eſtate ſhould thereby ſuffer Prejudice in the leaſt; but that rather a Timous Remeidy be had, and any Loſs that way prevented: And likeways, Conſidering that after lawful Citation given to Two of the neareſt of Kin on the Father's ſide, and als many on the Mother ſide, to the said J. A. the Minor, to Compear before the Lords of Our Theſaury, and Exchequer at an certain Day bygone, to hear and ſee an Tutor given to her, and to Object in the contrair, (if any juſt Ground, or Cauſe for it,) and with Certification in manner at length ſpecified in the Summonds raiſed thereanent, and Executions thereof produced in preſence of the ſaids Lords, and by them Conſidered; and that no Compearance or Objection was made in the contrary. Therefore, Our Soveraign Lord, (out of his pious and Fatherly Care over all Minors, with the ſpecial Advice and Conſent of ——, (*here Inſert the Conſents of Exthequer according to the Conſtitution thereof for the time, and then ſay,*) *Ordains* an Letter of Tutory *Dative* to be paſt, and exped under his Highneſs Quarter-Seal; (otherways called the Teſtimony of the Great-Seal,) in due and Competent form, making, Conſtituting, Nominating, and Appointing: Like as, His Majeſty, (with Conſent foreſaid) by thir Preſents, Makes, Conſtitutes, Nominats, and Appoints G. A. Malt-man in L. Tutor-Dative, and Admiſtrator of the Law to the ſaid J. A. during the haill ſpace and years of her Pupillarity, for Managing and Governing of her Eſtate, both Real and Perſonal, either preſently appertaining and belonging to her, or that hereafter may fall accreſce, appertain, and belong to her by the Deceaſe of any of her Predeceſſors, Kindred, and Relations, or any other manner of way whatſomever, with full Power to the ſaid G. A. as Tutor foreſaid, to Act and do in the ſaid *Pupil's* Affairs, and to Govern and Manadge the ſame, and Adminiſtrat therein, to the beſt, and to the ſaid *Pupil's* Utility, Profit, and Advantage, during the ſaid ſpace: Sicklike, and als fully, freely, and abſolutely in all reſpect, and to all intents and purpoſes, as any other Tutor-Dative of the Law has done, does, or may do in the like caſes and Office; Requiring hereby, all Perſons concerned, to Anſwer, Obey, and make Payment to him as Tutor foreſaid, accordingly, he always finding ſufficient Caution (before expeding of this preſent Tutory,) for making Compt, Reckoning, and payment (after Elapſing and Expiring thereof) to his ſaid *Pupil* and her Curators of his Intromiſſions, Omiſſions, and Commiſſions as accords of the Law; And als giving his Oath *de fideli adminiſtratione*, and giving up Inventar of the Minors Goods and Eſtate conform to, and in the Terms of the Act of Parliament made thereanent in all points: And that the ſaid Letter of Tutory be Extended in moſt Ample form, with all Clauſes needful, and in Form of Chancery. Given at ——

THE Last Subject-matter I resolve to Treat upon in this whole System, is that of an Quinquennial Possession *founded upon the Act of Parliament, as to Persons Forfeited, Abstracting of their Writs and Evidents; the Prejudice thereby sustained by the King and his Donator; and the Remedy in that Case provided, als well as to Bygons, as future, and which is clearly set down, according to the said Act of Parliament, in the Terms and Method following: And first I begin with the* Petition *to His Majesties Secret Council, to whom the Address must be made; and who by their Deliverance, and Act thereupon past; Ordain the Director of the Chancellary, and his Deputs, to Direct, Emit, and Issue furth a Commission under the Testimony of His Majesties Great-Seal, otherways called the Quarter-Seal, directed to such Persons as the Council appoint, as Sheriffs in that part, to Determine, and Cognosce in what Lands, Heretages, and others wherein the Person Forfeited was in actual Possession, Five years immediately preceeding the Process and Sentence of Forfeiture; and this being Retoured by an Inquest of Fifteen Persons, makes a good Right to the King, or his Donator, even albeit the Writs and Evidents be Abstracted.*

PETITION *by the Donatar of the Estate Forfeited to His Majesties most Honourable privy Council, founded upon the Act of Parliament.*

To My Lord High Chancellor of Scotland, *and remanent Lords of his Majesties most Honourable privy Council, the* Petition *of* A. *Earl of* ——

Humbly Sheweth,

THat where by the second Act of the ninth Parliament of King *James* the Sixth, of ever blesed Memory, holden at *Edinburgh* the twenty two day of *August* 1584, *It is Statute and Ordained,* That all Lands, Lordships, Baronies, Annualrents, Milns, Multures, Fishings, Tennents, Tennendries, and Services of free Tennents, and other Heretages whatsomever, whilks have been, or thereafter should be peaceably bruiked and possessed by whatsomer persons Forfeited, or that thereafter should be Forfeited for Crimes of Treason and *lese Majestie*, committed, or that thereafter should be committed against his Highness and his Successors, or by them to whom our Soveraign Lord and his Successors should succeed, by reason of the Forfeiture of their nearest Heirs, as their Heretage, by Labouring the same with their own Goods, Setting the same to Tennents, and uplifting the Mails thereof as their Heretage; and sua repute, holden and esteemed Heretable Possessors thereof, by the space of five years, immediatly preceeding the decease of the persons to whom our said Soveraign Lord should or might succeed through the Forfeiture led or to be led against their nearest Heirs; That all and sundry the saids Lands, Lordships, Baronies, Annualrents, Tennents, Tennendries, and Service of free Tennents, Milns, Multures, Fishings, and other Heretages whatsomever, has appertained, and shall appertain to our said Soveraign Lord and his Successors, has become, and shall become in their Hands as Escheat, to be disponed and used by them as their Property thereafter in all times coming, sua that thereafter no Question should be moved to his Highness and his Successors, nor yet to the persons which already obtained, or thereafter should obtain Heretable Right of the saids Lands, Lordships, Annualrents, and others above-specified by their Disposition, notwithstanding that they be not able to shew, nor produce in Judgment the Heretable Right and Title thereof, or Contracts, Renunciations, and other Securities made thereanent to the persons Forfeited, or to be Forfeited as said is, or their Predecessors. And by

by which Act, it is appointed, that for proving of the ſaid five Years Poſſeſſion, Commiſſion ſhould be granted under the Teſtimonial of the Great Seal, in due and competent Form, to ſuch perſons, as his Majeſty, with Advice of the Lords of his ſecret Council, ſhould find moſt meet and expedient, as Sheriffs in that part, to take Cognition by a condign Aſſiſe of the Sheriffdoms where the Lands lye, or others leſt ſuſpected, who beſt know the Verity, what Lands, Lordſhips, and what Heretages were bruiked and poſſeſſed by the ſaids perſons convict, or to be convicted of Treaſon, and were bruiked by them in manner foreſaid, as Heretable Poſſeſſors thereof, ſo commonly holden, repute and eſteemed, by the ſpace of the ſaids five years immediatly preceeding the Proceſs and Sentence of Forfeiture led, and to be led againſt them, whilks were or ſhould happen to be thereafter convicted of Treaſon as ſaid is, and to call all Parties having or pretending Intereſt, whilks perſons of Aſſiſe ſhall give their final Determination thereupon before the Judge, who ſhall Interpone his Decreet and Authority thereto, and thereafter ſhall retour the ſame to his Highneſs Chancellary, under the Seals of the ſaid Aſſiſe, where the ſame ſhall remain *ad perpetuam rei memoriam*, and ſhall in all time thereafter make als full Faith in Judgment, as our with, and be of als great ſtrength, force and effect to our Sovereign Lord and his Succeſſors, and others having Right by their Diſpoſition, for bruiking of the ſaids Lands, Lordſhips, Heretages and Annualrents, as if the Heretable Inſeſtments, Charters and Seaſins thereof made to the ſaids perſons Forfeited or to be Forfeited as ſaid is, or their Predeceſſors were ſhowen and produced in Judgment, in manner more fully ſpecified in the ſaid Act of Parliament, as the ſame in itſelf more copiouſly is comprehended. And I being now conſtitute his Majeſties Donator of the E. of *A.* (of which the Lands and Forreſt of *B.* are a part, formerly poſſeſſed by umquhile *A.*) conform to the Gift granted to me thereof, Dated the —— day of ——

May it therefore pleaſe your Lordſhips, to Ordain the Director of his Majeſties Chancellary, and his Deputs, to direct, emit, and iſſue forth a Commiſſion under the Teſtimony of his Majeſties Great Seal, to ſuch perſons as your Lordſhips ſhall pleaſe Nominat and Appoint, or any two of them as Sheriffs in that part of the Sheriffdom of ——, with full and ample Power to them, or any two of them, to meet at L. the —— day of —— next to come, and thereafter to appoint their own times and places of Meeting, and to ſit and hold Courts, creat Clerks, Officers, and other Members of Court needful, and to iſſue forth Precepts for citing all parties having or pretending to have Intereſt, and an Inqueſt, and ſuch Witneſſes as ſhall be found neceſſar, Abſents to amerciat, Unlaws and Amerciaments to uplift and exact, and every other thing requiſite and lawful to do and perform for trying if the ſaids Lands and Forreſts of B. which is a part of the ſaid E. of A. was poſſeſſed by the ſaid late M. of A. by the ſpace of five years immediatly preceeding his Proceſs and Doom of Forfeiture, and that your Lordſhips would ordain the ſaids perſons to be appointed Commiſſioners and Sheriffs in that part as ſaid is, to make report thereof to your Lordſhips; and to be returned accordingly to his Majeſties Chancellary, conform to, and in the terms of the ſaid Act of Parliament, in all points. And your Lordſhips Anſwer.

This Petition being preſented to his Majeſties privy Council, they paſs an Act thereupon, narrating the Petition, and granting the deſire thereof, according to the Petitory part of the ſame; and withall, they Nominat ſuch perſons as they think fit Sheriffs in that part, *ut ſupra*. And in the preciſe terms of the Act of Council, the Director or his Deputs give out the Commiſſion under the Quarter Seal.

Nota, *It is out of my Road as Clerk to the Signet, to ſet down the Donators Claim, Precept for citing Inqueſt and Witneſſes, and all parties having or pretending to have Intereſt, Acts of Court, and Adjournments from time to time, and way and manner of their procedure, Officers Executions and the like, being only proper for the Clerk of Court; but I conceive it neceſſary to ſet down the Judges Report or Inquiſition, for your better information.*

REPORT of the Inqueſt that paſſed on the ſaid Cognition and Tryal, to be retoured to the Chancellary.

HÆc Inquiſitio facta fuit in Prætorio Burgi de *I.* —— die menſis ——, anno domini —— regnique *S. D. N.* Caroli ſecundi dei gratia, magnæ Britanniæ, Franciæ & Hiberniæ Regis, fideique defenſoris anno —— Coram honorabilibus viris ſubſequentibus, *viz.* Domino *C. C.* de *A. C. C.* juniore de *A. A. M.* de eodem, & *A C.* de *I.* Vicecomitibus in hac parte Vicecomitatus de *A.* per commiſſionem dicti, *S. D. N.* Regis, ſub teſtimonio ſui magni Sigilli, ex deliberatione dominorum ſecreti concilii, ad effectum ſubtus ſcriptum ſpecialiter conſtitutis, per hos honorabiles probos & fideles homines patriæ ſubtus mentionatos, *viz.* (*here the fifteen perſons of Inqueſt were inſert, and then*) qui jurati dicunt magno ſacramento interveniente, quod omnes & ſingulæ Terræ & Forreſta de *B.* per prius poſſeſſæ fuerunt per *A.* nuper *M.* de *A.* Quodque dictus *M.* eſtimabatur & reputabatur Hæreditarius poſſeſſor earundem per ſpatium quinque annorum (ſententiam foris facturæ contra illum datam in Parliamento hujus regni —— die menſis —— anno —— immediate præcedentem,) adque tanquam forreſta partes & pertinentes comitatus de *A.* nunc vero ad *A.* Comitem de *A.* ſpectantes tanquam donatorem prætati *S. D. N.* Regis, in cujus rei teſtimonium ſigilla quorundam eorum, qui dicta Inquiſitione intereram unacum ſubſcriptione manuali *N. O.* Notarii publici Clerici dictæ curiæ preſentibus ſunt appenſa, anno domini die menſis, Regiſque regni & loco ſupra ſcriptis.

Nota, *The Clerk of Court only ſubſcribes, and the Act of Court and Verdict of the Inqueſt ſubſcribed by the Chancellor, is his Warrand; and being retoured* ut ſupra, *makes a good Right to the Donator.*

NOta, *After this Work had its Period, by new Laws there were ſome Alterations made, and to great Advantage, and for the good and eaſe of the Leidges, in relation to Transferences, and ſhortning of Proceſſes, that Procuratories of Reſignations and Precepts of Seaſin die not with the Granter thereof, (as Perſonal Factories do,) but the Acquirer or Creditor (if granted for Security of Debt) may Reſign by vertue of the Procuratory, or take Seaſin by vertue of the Precept, yea the Acquirer or Creditor being Dead, the Heir ſerved and retoured, may have the Reſignation made in his favours, or may take Seaſin upon the Precept, in the ſame way and manner as might have been done were the Diſponer, Debitor, Acquirer, and Creditor alive. As alſo, an Executor confirming a Movable Debt due to a perſon deceaſed, or an Heir ſerved and retoured to a perſon to whom there is an Heretable Debt due, may have ſummar Horning and other Execution and Diligence upon theſe Bonds, Contracts, &c. being Regiſtrat, and the Debitor alive. And ſome other Laws to this purpoſe, which prevents many Pleas and Actions, and holds in vaſt Expenſes: And the Stiles being but ordinary, and without difficulty, I leave them to the Care of ſuch as may be Imployed therein.*

FINIS.

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